



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

House of Commons Debates

VOLUME 146 • NUMBER 068 • 1st SESSION • 41st PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Thursday, December 15, 2011

—

Speaker: The Honourable Andrew Scheer

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HOUSE OF COMMONS

Thursday, December 15, 2011

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1000)

[*English*]

INTERPARLIAMENTARY DELEGATIONS

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the Canadian parliamentary delegation to the Canadian Section of ParlAmericas representing its participation in the 26th meeting of the executive committee and the 8th Plenary Assembly held in Asuncion, Paraguay, from September 7-10, 2011.

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TANNING EQUIPMENT PROHIBITION AND WARNING (CANCER RISKS) ACT

Mr. James Bezan (Selkirk—Interlake, CPC) moved for leave to introduce Bill C-386, An Act to amend the Radiation Emitting Devices Act (tanning equipment) and to warn Canadians of the cancer risks of using tanning equipment.

He said: Mr. Speaker, it is a pleasure to bring this bill before the House for consideration at first reading. I thank the member for Ancaster—Dundas—Flamborough—Westdale for seconding my private member's bill.

It is timely that we consider and look at my private member's bill about tanning devices knowing that a lot of Canadians and a lot of colleagues here in the House of Commons will be shooting off for winter vacations. A lot of people like to go and jump into a tanning bed thinking they need to get that glow started before they actually get to the beach.

My bill would ensure that Canadians are aware of the cancer risks that are generated from tanning equipment. Artificial tanning beds and tanning salons are an increasing health risk.

My bill would do three things. First, it would increase labelling on tanning equipment ensuring that people see that there is a warning about cancer risks associated with using radiation emitting devices like tanning beds. Second, it would create a prohibition for youth

under the age of 18 from using tanning salons and that those establishments must be well labelled, similar to what we see under the Tobacco Act of 1977. Third, the tanning salons would need to ensure that Canadians are aware that youth are not allowed to make use of those facilities, and that there are a number of different cancer risks.

In 2009, the World Health Organization, under the International Agency for Research on Cancer, moved tanning salons, tanning beds and radiation emitting devices to category one stating that they are carcinogenic to humans.

The Canadian Cancer Society, the Canadian Dermatology Association, the Save Your Skin Foundation and the Canadian Skin Cancer Foundation are all supporting my private member's bill and realize that we need to take action so we can prevent this disease from getting out of hand.

People who use artificial tanning methods increase their risk of exposure to melanoma by over 75%. Just yesterday, the Yale School of Public Health said that there was a 70% increase in risk for those who use tanning equipment, especially before the age of 30, of cancer causing basal cell carcinoma cancers.

It is important that we ensure Canadians and consumers are aware of this health risk and I encourage everyone here to avoid using tanning equipment.

On that note, I want to wish everyone a very merry Christmas.
(Motions deemed adopted, bill read the first time and printed)

* * *

• (1005)

[*Translation*]

BUSINESS OF THE HOUSE

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, discussions have taken place between the parties, and I believe that you will find consent for the following motion:

That, notwithstanding any Standing Orders or usual practices of the House, at the conclusion of Question Period today, the House shall stand adjourned until Monday, January 30, 2012, provided that, at the adjournment, the second reading motion for Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons), be deemed adopted on division and; for the purposes of Standing Order 28, the House shall be deemed to have sat on Friday, December 16, 2011.

[*English*]

The Speaker: Does the hon. government House leader have the unanimous consent of the House to propose this motion?

Government Orders

Some hon. members: Agreed.

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

* * *

PETITIONS

ASBESTOS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I have a petition signed by literally thousands of Canadians from all across Canada who call upon Parliament to take note that asbestos is the greatest industrial killer that the world has ever known and that more Canadians now die from asbestos than all other industrial and occupational causes combined, yet Canada remains one of the largest producers and exporters of asbestos in the world. They point out that Canada spends millions of dollars subsidizing the asbestos industry and blocking international efforts to curb its use.

Therefore, these petitioners call upon Parliament to ban asbestos in all of its forms and institute a just transition program for asbestos workers and the communities in which they live, to end all government subsidies of asbestos both in Canada and abroad and to stop blocking international health and safety conventions designed to protect workers from asbestos, such as the Rotterdam Convention.

MULTIPLE SCLEROSIS

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, I have four petitions to present today.

The first one is on CCSVI. There is an absolute difference between my Bill C-280 and the government's position in terms of phase of clinical trials, start date for clinical trials, follow-up care and the need for experts.

The petitioners are therefore calling on the Minister of Health to consult experts actively engaged in diagnosis and treatment of CCSVI to undertake phase III clinical trials on an urgent basis with a large patient population not less than 100 people in multiple centres across Canada and to require follow-up care.

• (1010)

THE ENVIRONMENT

Ms. Kirsty Duncan (Etobicoke North, Lib.): Mr. Speaker, the second petition is on climate change, our most pressing environmental issue. It is a justice issue, a human rights issue and an international security issue. It requires moral and intergenerational responsibility.

The petitioners call for the immediate and fullest attention by the government to commit to the most science-based greenhouse emission reduction targets, to facilitate the transition to the clean energy economy and to make us a world leader on climate change solutions as the government did with acid rain and ozone.

The third petition is also on climate change by faith-based groups. Worldwide, we are concerned about keeping climate change warming to 2° Celsius which is associated with dangerous climate change and that window is fast closing.

The petitioners call for collective action by signing and implementing a binding international agreement to ensure that global temperatures stay below 2° Celsius to demonstrate national responsibility to implement climate justice.

The fourth petition is on ozone. The assistant deputy minister told committee that the ozonesondes at Alert, Eureka and Resolute Bay will continue to operate. We would like to know what would happen at the seven ozonesonde stations in southern Canada to keep pollution forecasts on track.

The petitioners call upon the Minister of the Environment to develop a plan to ensure integrity of ozone monitoring and to assess the adequacy of the Canadian contributions to the global—

The Speaker: Order, please. I thank the hon. member.

The hon. parliamentary secretary to the government House leader.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

CITIZEN'S ARREST AND SELF-DEFENCE ACT

The House resumed from December 1 consideration of the motion that Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons), be read the second time and referred to a committee.

The Speaker: The hon. member for York South—Weston has three minutes left for his speech.

Mr. Mike Sullivan (York South—Weston, NDP): Mr. Speaker, part of this bill is a reprise of a bill that was put forward originally by the member for Trinity—Spadina in Toronto, called the Lucky Moose bill, after a store owner in her riding who, after a robbery, arrested a man by himself and then was himself charged with forceable confinement after apprehending the suspect.

Government Orders

The second part of the bill has to do with a redefinition in the Criminal Code of what constitutes self-defence in law, in other words, what issues can and what circumstances can give rise to the successful application of the self-defence principle and, therefore, allow a person to remain immune from prosecution because of his or her actions.

With regard to the first part, I would remind hon. members that in my previous speech I talked about a personal event in which I arrested a suspect who had been robbing cars along the street and who was clearly inebriated. I, at some personal risk, took the steps of apprehending him and calling the police. The police came in great numbers because they knew I had caught somebody, an ambulance came because he had cut himself, and the firemen came, too. When I asked the firemen why they were there, they said, "If he catches on fire, we'll put him out".

However, my point is that I acted with some immediate feeling of necessity without thinking what the law might say. In fact, I was probably outside the law because it was not my property.

The second occasion that I gave an example of was of an ice cream truck in my riding that had been held up at gun point. This is the more concerning of the two portions of the bill: the issue of whether the definition of self-defence now has expanded to include the ability to defend someone else, the ability to enter into a robbery in progress or any other threatening situation as a bystander and attempt to defend the life or the property of someone else using this self-defence law.

The law, as it currently stands, would seem to limit the ability of people to defend themselves. That is the limit upon which that law is based.

However, it appears that the law would now be expanded to include the ability to defend a third party. We think that might lead to vigilantism and therefore would require more discussion at committee in a fulsome way with many witnesses.

● (1015)

[*Translation*]

Mr. Denis Blanchette (Louis-Hébert, NDP): Madam Speaker, I would like to take this opportunity to wish you and all the members in the House a merry Christmas and happy new year.

The member mentioned that this bill seems to create a grey area with respect to the method of intervention. Could the member give more details on his concerns about this grey area in specific situations?

[*English*]

Mr. Mike Sullivan: Madam Speaker, that is precisely our fear. The apparent expansion of the definition of self-defence, because it is somewhat unclear in the legislation, to include a person not being in harm's way but defending someone else who is in harm's way could, we fear, lead to unintended consequences. The example I gave was of the ice cream truck being held up at gunpoint, which ended peacefully. No one was injured.

However, if this law had been in place, one could imagine that a citizen from a dwelling nearby may decide to take action using self-

defence as the reason for taking action and cause much greater harm than was caused at the time.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Madam Speaker, it is somewhat refreshing that we are debating Bill C-26. One could argue the merits of the bill because we see an active interest from citizens to be able to protect their property. Yet some concerns have been expressed with regard to the whole vigilante concept. We do not want to put people in situations where their involvement creates more danger. We hope the government will pay attention to what is happening at the committee stage.

Does the NDP have some amendments it would like to put forward on this bill at this time?

Mr. Mike Sullivan: Madam Speaker, the NDP is certainly considering whether this bill is in fact what it says it is: merely a clarification of the right to self-defence. We will not know until there has been fulsome discussion in committee with many witnesses and representations from police forces, prosecutors and defence attorneys about whether this bill would actually solve the problems they see with the self-defence jurisprudence or whether it would create new problems.

We will not know whether New Democrats have particular amendments until after the bill has gone through committee. However, we hope that in this particular case the government will listen to potential amendments. We hope the government will work with us to create a clearer bill that has a better chance of actually being useful to Canadians.

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I am still concerned with elements of this bill. I appreciate the efforts by my colleague from York South—Weston to explain the inconsistencies inherent in the Criminal Code associated with the right to self-defence. I am interested in his personal experience in trying to detain someone in the act of a crime, or the rights of an individual.

I am particularly concerned with the legal interpretation. When there is ambiguity, one has to look at the intent of Parliament when that clause was crafted. Chief Justice Lamer pointed out that Parliament must have intended section 34 to be limited to unprovoked assaults because it went on to enact section 35 to deal specifically with situations where the accused was the initial aggressor.

Can my colleague bring any clarity to the intent then and the intent of Parliament now as expressed in Bill C-26?

● (1020)

Mr. Mike Sullivan: Madam Speaker, yes, indeed, we have hit upon the nub of the concern in law. This particular self-defence clause in the Criminal Code has been on the books for over 100 years. It is the subject of much jurisprudence, which would appear to have twisted the original intent, giving perpetrators of crime the ability to use self-defence as a way of escaping punishment for their actions. That twisting of the law by jurisprudence is part of what the present bill would appear to try to solve.

Government Orders

However, New Democrats are not certain if the clarification that this bill provides goes too far. If the clarification creates a system in which vigilantism becomes possible, that is something we are opposed to. We do not accept that citizens become vigilantes who attempt to enforce the law and defend other citizens from harm in a manner which will cause more harm. That is one of our concerns with this bill.

[Translation]

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Madam Speaker, I would like to know whether my colleague agrees with me. The original idea of protecting people who defend their property is a good one, but what I am questioning is the context in which this bill was introduced. It was introduced as the last in a series of tough on crime bills, as they like to say on the other side. I see a danger for this to be interpreted differently by the people who support this type of policy. I fear that people will start acting like police officers and intervene in all kinds of situations. I think we should be cautious and think about this bill carefully to prevent people from thinking they are on a mission from God and intervening in all kinds of situations.

[English]

Mr. Mike Sullivan: Madam Speaker, I appreciate my colleague's comment. That is partly what concerns us if the bill and the possibility of amendments are not studied thoroughly at committee. There are aspects of this law that, as the hon. member suggests, might allow people to believe they are on a mission from God and protected by legislation allowing self-defence as a defence in situations in which they are acting as vigilantes.

We are concerned that the bill is not clear about whether or not that is the intent. It appears to expand the definition of self-defence beyond defending oneself, creating an understanding that one can defend a third party. If that is the case, how far does that go? Does that then become the rule of law?

We are also concerned that the bill will not be fully discussed at committee, as has been the case with many other bills on the crime agenda of the government. We are concerned that if this is rammed through without the possibility of amendments, where those amendments would make sense and actually clarify the law, then of course we would not be doing Canadians a service.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Madam Speaker, I am pleased to rise to speak to this bill on citizen's arrest.

The bill is simply an extension of our government's work in trying to bring balance back into the criminal justice system in our country. For too many years, the needs of victims have been ignored. Because of that, many of our constituents have lost faith in the criminal justice system.

I want to outline a couple of areas where I have been personally influenced by people in my riding who have brought these matters to my attention. I will never forget receiving a call about a week or two after I was first elected from the family member of a young man who had just been murdered. I met the family member at Tim Hortons. I had never met this gentleman before. He pleaded with me to do what I could to bring some balance back into the system. There was no revenge in his voice. It was more a cry for help in the sense of: please help young people find the resources they need so they will not get involved in a life of crime. A young man had been murdered

by another youth, who was not allowed to be named. It was simply a call for action to bring some early intervention possibilities into the system.

Following that, because of my interest in that particular case, I hosted a round table in my office with a number of people from the legal profession, community groups and private citizens. The one area that became very clear again was the call for early intervention. I heard from a mother whose son had been in trouble with the law on a number of occasions. She told me that because of the Youth Criminal Justice Act there was nothing the judge could do because her son had not done something bad enough yet. There was a sense of hopelessness in her voice. She actually wanted our criminal justice system to take action that would direct her son to preventive measures and possibly early intervention.

As well, we have all heard too many stories of young people who have been sexually abused. The damage that is done to the lives of people who have experienced sexual abuse early in life or even as teenagers is just horrendous. Lives are virtually destroyed by the actions of sexual offenders. Our government is trying to give a clear message that these kinds of offences will not be tolerated.

I do not think any of us in this room who are parents or grandparents can argue with the fact that we need to be decisive in our actions as they relate to gangs and drugs. This is especially true when those drugs are being marketed near our schools where children and youth are most vulnerable. Lives are being destroyed by youth getting hooked on drugs early in life when they virtually had no choice.

With respect to arson, we have taken action to make it very unlikely that a person who has burned down someone's house would now be allowed to serve his or her sentence in his or her own house.

I have heard from victims of violent crimes whose families have been murdered. When the parole hearings come up they are forced to be subjected over and over again to the same kind of pain and reopening of wounds because of what used to be called the faint hope clause.

In all of these areas, we are trying to bring back a sense of balance into our criminal justice system. The current bill before us is no different. Far too many people may have thought about intervening when someone was being attacked or their property was being stolen or vandalized, yet felt an innate fear that if they took any steps to prevent that crime from happening they could find themselves on the wrong side of the law. Therefore, we need to address that fear with some sense of balance. Simply by having this conversation we can attempt to alleviate that fear.

● (1025)

I repeat that there is always a sense of balance. In terms of balance, I would point out that our government has taken decisive steps in the area of prevention.

Government Orders

It has made large investments in the area of youth gang prevention and an anti-drug strategy. In my area there is a very active restorative justice program. The program does an excellent job of bringing the victim and the offender together in trying to bring resolution, restoration and reconciliation between the parties. We all know that particular initiative cannot always work. There still needs to be criminal justice measures in place to take care of the situations that do not fit under that restorative justice system.

We have also invested heavily in the circles program. People who have served their sentence are now allowed to be back in society. They work with a group that keeps them accountable as they re-enter society. It is important that these individuals are not released without any support mechanisms to help them reintegrate back into society.

As it relates to this bill, it is important that we work hard to maintain public order. Public order is the responsibility of Canada's trained and professional law enforcement agencies. We all agree they are the ones we have to rely on, but there should always be that option for the citizen if there are no public order officials nearby, whether they are police officers or security guards. Citizens should always be able to defend their own lives or their own property.

The first step we should be taking in any of those situations, if it is at all possible, is to contact the police if someone's life or personal safety is being threatened. The government recognizes that it is not always feasible in those circumstances for a peace officer to make the arrest when a crime occurs, especially if it is in relation to property. This proposed legislation expands, simplifies and clarifies the law governing situations where individuals need to respond to immediate threats to their property or to their person.

The proposed amendments in the bill would authorize a private citizen to make an arrest within a reasonable period of time, and I would underline within a reasonable period of time, after he or she finds someone committing a criminal offence that occurs on or in relation to property. This power would only exist if there are reasonable grounds to believe it is not feasible for a peace officer to make the arrest. We cannot simply allow citizens to take matters into their own hands. Obviously, the first course of action is still to call the police and try to get help to the scene as quickly as possible.

In all cases, it is important to remind citizens that they need to be careful in the decision they are making to get involved. There is a high degree of danger when making these kinds of decisions. Making a citizen's arrest is a potentially dangerous undertaking. Before attempting a citizen's arrest, Canadians should consider other factors such as: their own safety and the safety of other people who may be in the area; the advisability of reporting information to the police rather than acting on their own; the level of certainty they have that the person they are about to arrest is actually the person they found committing the crime; and finally, the requirement to turn over the suspect to the police without delay once an arrest is made. I think that goes without saying. We are not going to suggest that people can make a citizen's arrest and then not turn the person over to police officers as soon as practically possible.

The proposed amendments to these defences will simplify provisions of the Criminal Code, making it easier for police and prosecutors to determine whether the actions taken by individuals to

protect themselves, others, or their property were reasonable and therefore could provide a defence to a criminal offence.

The amendments also replace the current complex self-defence provisions with one new and clear provision permitting a person's reasonable acts committed for the purpose of defending against threats or force against themselves or another person to be a defence to a criminal charge. It is important that they have that option to defend against that potential criminal charge. We saw that in the situation with Mr. Chen where, yes, fortunately after court proceedings he was acquitted, but certainly for a number of days and weeks he had hanging over his head the possibility that he would be charged with a criminal offence, even though he was simply standing up and protecting his own property.

● (1030)

Also, the defence of property provisions would be greatly simplified if a person in "peaceable possession" of a property commits a reasonable act. If an individual steals something and is sitting at the corner with those stolen goods, the individual would not be allowed to defend those stolen goods against the person who is coming to retrieve them. If a person in peaceable possession of a property commits a reasonable act in order to protect that property from being taken, damaged or trespassed upon, that would be a defence to a criminal charge.

A number of different prospects in the bill would bring balance back to the system so that those who are facing the possibility of either injury to themselves or their loved ones, or are facing the possibility of having their property stolen or damaged, would be able to take action and as quickly as possible call the appropriate authorities to take over. It is important that we bring this sense of balance back to this area that has been left for too long.

● (1035)

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Madam Speaker, the hon. member opposite has introduced a bill whose intention is commendable. The question is whether it is balanced, and that is a very important question. Any time someone is arrested, it inevitably involves the use of physical restraint. When someone is arrested, they are put in detention. It is not hard to imagine a situation in which conflict arises and a scuffle ensues. That is the crux of the question. Any time police officers arrest someone, they know they must use an appropriate level of physical force. They must not use excessive force, for there is always the presumption of innocence. People who are arrested have the right to present a defence before they are punished. That is why police officers are trained to use a minimum of physical force.

We noticed that this sense of proportion is missing from the bill. In self-defence cases, the law provides a framework for the use of violence in response to a violent assault. This bill does not have that. I would like an explanation. How will such reactions be dealt with?

[*English*]

Mr. Harold Albrecht: Madam Speaker, I did highlight in my speech that the person making the arrest would need to consider that carefully in terms of the risk and the potential for further harm. Obviously, we do not want the situation to escalate. It is important that we send out that message.

Government Orders

I do not serve on the justice committee but I have faith that when the bill is referred to it for further study, if there are areas like that which need to be further clarified or possibly adjusted, I am convinced that those changes will come back.

When deciding whether to make a citizen's arrest, the person needs to be aware of the law and consider his or her safety and the safety of others. The person needs to report that information to the police, which is usually the best course of action instead of taking action on his or her own, and ensure that the suspect is correctly identified as well as the suspect's criminal conduct.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Madam Speaker, I am somewhat encouraged by the member's comments. He gave the impression that the government would be open to having amendments.

I want to send a message directly to the Prime Minister. People are concerned about crime and safety in their communities. They expect that legislation will have a direct impact on preventing crimes. There is a great sense of disappointment in terms of Bill C-10 as an example, which has the bigger jails mentality which is being rejected in the American states that were big advocates for it at one point in time. We brought in amendments to that bill and those amendments were crushed at committee. With the legislation before us, we already get the sense that some changes will be needed.

Is the government prepared to entertain genuine amendments brought forward by the Liberal Party or the New Democratic Party that could strengthen Bill C-26? Is the government open to receiving and approving amendments on merit?

●(1040)

Mr. Harold Albrecht: Madam Speaker, I would like to respond to the two key points that I think the member tried to raise.

One is the whole issue of the big jails mentality. The member must not have been listening to my speech when I pointed out the prevention and rehabilitation aspects that our government is heavily involved in. I hope he has read the transformation agenda on the Correctional Service of Canada website. It clearly outlines the government's preventive, restorative and rehabilitative efforts. It is important that we keep that message clear.

Bill C-10 did not address these issues; that is not what Bill C-10 was about. Bill C-10 was a compilation of five years of work on the part of this government. The bill's individual components had been before the House and committee many times. I do not know the total number of hours, but they had received intense scrutiny. Yes, this government was open to the input of committee members at every stage along the line. Does that mean the government automatically accepts, endorses and implements amendments to the legislation? Of course not. That is not the function of government. Government needs to hear all the evidence, weigh the evidence and upon the best information take action. That is the responsibility of the government.

I am proud to be part of this government that has taken decisive action to restore balance to our criminal justice system.

Ms. Kellie Leitch (Parliamentary Secretary to the Minister of Human Resources and Skills Development and to the Minister of Labour, CPC): Madam Speaker, there has been a considerable amount of debate and public concern with respect to the apparent

limitations around the scope of citizen's arrest. The Minister of Justice is quoted as saying:

Our government is committed to putting real criminals behind bars. Canadians who have been the victim of a crime should not be re-victimized by the criminal justice system.

I appreciate my colleague's comments and what he had to say about some of those real life experiences that he and his constituents have experienced.

I would ask the member to walk us through the citizen's arrest reforms that are embedded in this piece of legislation.

Mr. Harold Albrecht: Madam Speaker, I thank my colleague for her good work in helping us to implement some of the changes requested by citizens in every one of the ridings of members, and not just on this side of the House. Our colleagues across the way would tell us that they have been contacted by constituents in their ridings asking them to take action on behalf of victims. For far too long the victims of this country have been ignored as it relates to the criminal justice system.

In direct response to my colleague's question, it is important to note the two key elements of the changes in the bill. The citizen needs to make the arrest at the time the offence occurs or make that arrest within a reasonable amount of time after the citizen has found the person committing a criminal offence and must have reasonable grounds that it was not feasible to call the police in those circumstances.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Madam Speaker, I want to follow up on the question from my colleague from Winnipeg North. He asked whether the government would look at potential amendments based on merit.

The answer he received was that Bill C-10 had been widely discussed and amendments were considered. Of course, we know that zero amendments were accepted. In fact, there were several amendments put forward by my colleague from Mount Royal that were rejected out of hand at the committee railroading process, which later the minister decided actually were worthwhile. The minister tried to bring them forward at report stage but the amendments were rejected by the Speaker because they should have been done at committee stage.

This is exactly what we want to avoid. We want those reasonable amendments to be considered, discussed and potentially accepted in committee where it should happen. Will the member advocate for that with his minister and colleagues?

Mr. Harold Albrecht: Madam Speaker, in direct answer to that question I can say without any reservation that every member on this side of the House listens carefully to those ideas that are put forward by members of the opposition. However, I do not serve on the justice committee and I cannot speak for that committee. Each committee is the master of its own destiny.

Government Orders

I can assure the member that on this side of the House we listen to members on the opposite side in this House of Commons. As important, we listen to the constituents in our ridings who have been the victims of many of these offences that have literally destroyed the lives of our young people, whether it is a sexual offence, or getting hooked on drugs, or it is a violent crime that has injured them or, in too many cases, ended their lives.

We are listening. We will work with our opposition partners to get the best action for Canadians.

• (1045)

The Deputy Speaker: Before resuming debate, I would like to advise the House that from here on the interventions will be of 10 minutes, followed by questions and comments of five minutes.

The hon. member for Winnipeg Centre.

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I can barely introduce what I want to say in 10 minutes, but at least I will try to make the most of what little time I have.

Hon. John Baird: You had better ask for unanimous consent to go over the time.

Mr. Pat Martin: Well maybe I will carry on. Unanimous consent, perhaps, would be a consideration if I do have more things to say than time permits.

As we approach the end of this parliamentary session of the 41st Parliament, I appreciate the tone and the content of the debate we are having in the House of Commons today. It has actually been a meaningful exchange for the most part on a very thorny question, a question that deserves the attention of Parliament.

Let me begin by recognizing and acknowledging Mr. David Chen, the owner of the Lucky Moose Foodmart in Toronto, which I suppose was the catalyst for the whole debate that we are having today. A hard-working new Canadian running a small corner grocery store was being repeatedly victimized by shoplifters and thieves, et cetera, and in a moment of frustration took action into his own hands, and apprehended and detained one of those who was knowingly and repeatedly stealing from him.

It is a matter of competing rights that we are wrestling with today. I will confess that I am not a lawyer. I have been somewhat of a bunkhouse lawyer over the years as a union leader on job sites where I have had to perhaps wrestle with this matter of competing rights, but I am glad to hear and I am glad to see that there are very competent and knowledgeable members of Parliament present today who are intervening with meaningful contributions to this debate. As I say, by and large, it has been civil, it has been interesting, and it has been meaningful.

I also confess some bias in my own personal experience. I had occasion to catch two people breaking into my home one time as I came home from work. I found two teenagers, who had just broken into the house next door and drank all the booze, who were now breaking into the rear lower windows of my house. As I pulled into the driveway, my headlights shone on these kids kicking in my window.

I tried to stop them and apprehended one, but while I was doing that, the other one grabbed my four-year-old son by the hair and

started dragging him down the street, and told me he would trade me my kid for the kid I was holding.

As any parent would, I saw red. I dropped the one youth and sprinted after the one who had kidnapped my son, and ended up giving him a fairly sound thumping, which I thought was well-deserved at the time. My wife participated as well. If you have ever tried to wrestle down a 15-year-old, Madam Speaker, all hopped up on hooch, it is not as easy as it might look, even if you are a fit carpenter

To make a long story short in what little time I have, I ended up in court for the next six months for assaulting this young man who was trying to break into my house. It took six months of legal appearances and an awful lot of time and energy for the crown prosecutors to finally drop the charges against my wife and me, and apply the charges where they belonged, to the break and enter.

I confess to a bias that I am sympathetic to the bill, and I also want to acknowledge and pay tribute to the member for Trinity—Spadina, who is the member of Parliament who represents the neighbourhood where the Lucky Moose Foodmart resides. I believe she has done a good job in advocating on behalf of her constituent, whom I believe the law did not serve well.

The crown dropped the charges for kidnapping and carrying a dangerous weapon, which turned out to be a box cutter that any store owner would normally carry with him anyway, but charges were proceeded with against Mr. Chen of forcible confinement and assault for apprehending this thief who was stealing from his store

• (1050)

When he went to court months later, after the great cost and expense of having to defend himself, these charges were dropped, but it pointed to the inconsistencies, ambiguities and overlapping provisions in the Criminal Code to deal with these two competing rights. That is always the difficulty.

I should share with the House that whenever I canvass and survey the constituents of my riding as to what their top of mind concerns are, overwhelmingly, by a factor of four to one, the number one top of mind concern is crime and safety on their streets. People have a right to walk their streets without fear of being assaulted or molested. They take that very seriously in the inner city of Winnipeg where, I am not proud to say, crime and safety are often legitimate concerns.

They also want more steps taken to get guns off the streets. There are families in my riding that will not sleep in the outside rooms of their houses for fear of the gun play that occurs every night. They are afraid of stray bullets going through their homes. They want guns off the street. They want tougher measures and controls on crime and safety issues. They want less guns in their communities, and fairness in the administration and application of justice.

There are times, especially in an area that is plagued by a disproportionate amount of crime and violence, when homeowners have to take things into their own hands to protect themselves and their families. They should not be arrested and prosecuted for what is, by any reasonable objective third party's point of view, legitimate self-defence and defence of their property.

Government Orders

If people tuned in to watch the proceedings of the House of Commons today, this is the kind of bill that Canadians would agree Parliament should be seized with and it is the tone, content and type of debate they would be pleased we are having. My only criticism is that it is highly unlikely any amendments will be contemplated or tolerated during the consideration of this bill. I can say this with some certainty because in the entire 41st Parliament, the government has never accepted a single amendment on a single piece of legislation since May 2 when Parliament began.

Any reasonable person would have to concede that some of these issues are not straightforward. Some of them need careful deliberation and would benefit from a healthy, robust debate, exchange, and legitimate points of view put forward by members from the opposition. No one has a monopoly on good ideas in the House of Commons or in Parliament. In fact, the way to test the strength of arguments is to subject them to rigorous and robust debate. That tests the merits of the positions people hold.

I believe that this balance is not as it should be yet. There are recommendations for amendments that New Democrats would like in this bill. We support half of the bill at least because much of its origins are from a private member's bill put forward by my colleague from Trinity—Spadina. There are further elements of the bill that give us great concern. There are recommendations from the NDP justice critic, who is a well-respected lawyer and has given both professional and personal considerations to the issues we are dealing with today. They should be treated seriously and incorporated into the bill, so that it will stand the test of time, and stand up to challenges in court and serve Canadians well.

● (1055)

[Translation]

Mr. Denis Blanchette (Louis-Hébert, NDP): Madam Speaker, I thank the member for his speech. Two very important points stood out. On the one hand, he mentioned that both sides of the House want to improve the legislation and this bill helps to some degree. On the other hand, he asked that the bill be improved and pointed out that, despite our best efforts, not one amendment to any bill has been accepted thus far.

I wonder if the member could really emphasize which parts of the bill could be improved. I hope the members opposite will listen carefully to these suggestions.

[English]

Mr. Pat Martin: Madam Speaker, our complaint with this bill is similar to that with previous pieces of legislation, that it has not fully matured yet. It has not gestated into a finished product. It is like a cake in the oven that is not yet baked. It still needs work and we are not doing anyone a service by going ahead with incomplete legislation that we would be stuck with for a long time. It is unlikely that these clauses of the Criminal Code will be reopened again in our generation. So it is incumbent on us to get it right.

I point out that sections 34 and 35 of the Criminal Code, which deal with the right to self-defence, have inherent ambiguities that have caused difficulty in the jurisprudence since 1892 and it is only

now that we are addressing them in the Parliament of the latter days of 2011.

What we do today has a lasting impact. We want to get it right because it does a great disservice to ordinary Canadians like Mr. David Chen if we do not get it right. Imagine the confusion of a new Canadian, proud to be a small businessman in his chosen country, when this kind of crazy thing happens to him and he winds up being the one accused of wrongdoing when all he is trying to do is protect himself.

We do not want that to ever happen again. We want to ensure that the language we incorporate in the context of this bill precludes that from ever happening again to any Canadian.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Madam Speaker, I thank my colleague for his speech and especially for the very personal story that he started out with. I am sure my colleagues here would agree that most of us find it very difficult to imagine the member becoming angry, but I am so glad that he was forthright in sharing that story because it does illustrate the fact that in the heat of these moments, when people have no option to call the police, they want to take action to protect the person with them or the property.

My colleague shared a number of facts about his riding in Winnipeg, the high crime statistics there, and certainly that is a cause for concern, not just in Winnipeg but across our country especially in our urban areas. I wonder if my colleague would agree that it is time in this country to restore that sense of balance to our criminal justice system that begins to recognize the rights of victims.

● (1100)

Mr. Pat Martin: Madam Speaker, I take my colleague's question very seriously. I would be willing to entertain any measures that actually had the desired results. We know from empirical evidence that the best results to give us safer streets come from more money spent on crime prevention and rehabilitation, and substance abuse treatment centres.

I will give one example. A young woman, a sex trade worker, walked into my office not two months ago. She plies her trade right in front of my office in Winnipeg and she is clearly addicted to crack cocaine. She said she wanted to get off the street, she wanted to change her life. So we started phoning around and finally found a treatment centre that could take her in six weeks. We cannot tell a junky to come back in six weeks. When people are willing to make a change in their life, they need those supports and that help now.

I do not say this in criticism of this government or the provincial government. I am just saying that more attention needs to be put to crime prevention than to crime punishment and we would have safer streets.

ROUTINE PROCEEDINGS

[English]

AMENDMENTS TO COMMUNITY PLANS

Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC): Madam Speaker, I would like to table today amendments to community plans for each of the following communities in Canada's national parks: Jasper and Field. These are documents that should have been tabled in routine proceedings, but I do so now.

GOVERNMENT ORDERS

[English]

CITIZEN'S ARREST AND SELF-DEFENCE ACT

The House resumed consideration of the motion that Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons), be read the second time and referred to a committee.

Mr. Randy Hoback (Prince Albert, CPC): Madam Speaker, I am very pleased today to rise to speak to Bill C-26 .

However, before I do that, I want to wish my constituents a happy and merry Christmas and a safe holiday season. I also want to relay those best wishes to my colleagues here in the House. It is great to work with them. It has been a privilege and an honour to discuss and debate things like this bill.

I think Canadians are very happy. In fact, the latest polls show that they think this government is going in the right direction and they applaud us for the work we are doing.

I trust we will all have a good time back in our ridings and will be able to talk to our constituents about pieces of legislation such as this one, Bill C-26.

This piece of legislation is one of balance. I think balance has always been the key around this piece of legislation. It is trying to get the balance right.

If we get the balance right in this legislation, I think a lot of radio talk show hosts would be out of work or would not have the old safety net of, "What do I talk about today? Let's talk about victims of crime. Let's talk about people who make citizen's arrests and then become the person who is convicted".

That is what constituents are asking. If I were to go back to the riding of Prince Albert, which I represent, and talk to constituents, that is how they would instruct me when it comes to looking at victims of crime or balancing—or, in this case, rebalancing—the right of citizens to defend themselves or their property.

It is interesting that when we talk about public security and the ability to defend ourselves, those terms have different connotations depending upon where we are in the world. If we go down to the States and talk about the right to protect ourselves and our property, we envision somebody stepping inside the door and meeting a nasty end. That is not what we are doing here in Canada. That is not even close.

Government Orders

If we go to some other parts of the world, such as Central or South America, where public security is always an issue, they would like to see what we are doing here today. They would think this would be a reasonable and balanced approach and they would like to see their police forces up to the level of our forces here Canada.

I also want to remind members that we are not proposing to remove the police force. We understand the role of the police force. If someone is in an unfortunate situation and is going to be a potential victim of crime or if someone sees a crime taking place, we would recommend that the first response should be to dial 9-1-1. I do not think anybody is debating that. I think everybody is saying that we should involve the police as quickly as possible.

However, there are always circumstances in which that is just not possible. There are always situations in which people just cannot get a speedy response. I am not blaming the police; it is just the reality of the vast geography of our country.

In my hometown of Canwood, Saskatchewan, if the police officer on duty that night is at the far end of his area and something is going on at the farm or we see somebody stealing gas, we can call 9-1-1. However, the reality is that it is going to take him probably 15, 20 or 25 minutes to get to my farm just because of geography. It does not matter how fast he drives; that is what it is going to take.

When we talk to farmers or people in rural Canada, they are not talking about revenge. They are not talking forming a posse and tracking down people who commit crimes. The John Wayne scenario of the westens of the 1800s is not what we are talking about here either. Nobody would accept that. What we are talking about is just balance, simple balance.

When that farmer comes across a guy stealing a quad out of his shop and is able to apprehend him and hold him, he should not be charged with kidnapping. He should not be charged with assault. He should not be charged at all, especially when we look at the situation and the facts around the situation. That is all we are doing: trying to clarify for the courts and the police when they should lay a charge and when they should not. We are trying to balance that out.

I know the opposition members talk about amendments that they want to bring forward. I would encourage them to bring them forward in committee. That is how we end up with good pieces of legislation. I trust these amendments are ones that their constituents want to see in the bill. When those amendments come forward in committee, the committee will look at them. I trust the committee will study all those amendments and make suggestions back to this House. Then we will stand to vote, based upon what our constituents want. That is how our government works.

Therefore, when it comes to amendments, I would encourage members to take their amendments forward at committee. I would encourage members to bring them forward, make their passionate arguments, state their case and then let the committee members and members of Parliament decide their fate at that point in time.

Government Orders

•(1105)

The different types of crime that go on in ridings represent a very sad state. Nobody ever wants to be a victim of crime. Nobody ever asks for that. If a farmer in rural Saskatchewan has somebody drive into the yard at two o'clock in the morning, go up to his gas tank and proceed to break the valve and steal gas, the farmer did not ask for that. That farmer should not be penalized when he goes out and apprehends that person. That farmer should not be penalized when he confines that person.

That is what happening in the courts today. As the member for Winnipeg Centre said earlier, people who go about their day-to-day lives are put in a situation they did not create, and then all of a sudden, they end up in the courts. They have to defend themselves in court. They did not bring this on themselves; they did not ask for that person to come to their farm and steal gas. Why should these people have to go through a six-month legal battle?

That is all we are looking for in this piece of legislation. That is what this legislation does. The word is balance.

The legislation proposes a clarifications of the law. We are basically providing the police with some clarification about when they should or should not lay a charge. We are basically clarifying for the courts when it would be appropriate to pursue a charge or not.

If a person is using excessive force to restrain somebody or is being vindictive, or is planning to be, we expect that person to be prosecuted to the fullest extent of the law. This legislation will not be a licence to blow somebody away because he showed up on your property. That is not what we are doing here. What we are doing is finding a balance, and people will not have a licence or a blank cheque to do whatever they want if somebody enters their land. They will not have that. What is acceptable and what is not acceptable is very clear in the legislation. Again, balance is the word.

That is the theme in this piece of legislation. The word "balance" should be repeated over and over again. If we get the balance right on this legislation, I think Canadians will be very happy with the government and with Parliament because we will have tackled an issue that has annoyed Canadians for years.

That is one thing my constituents will say when I go back to the riding during the break. They will say, "At least the Conservative government did stuff. You went to Ottawa, you made promises and you kept your promises. You did what we wanted. The Conservative government delivered on what Canadian constituents wanted". They will respect and thank us for that.

As we go back to our ridings on the break and as this piece of legislation moves forward, I would encourage all members to talk about this piece of legislation with their constituents. What we are trying to do should be properly explained.

Members who want to can distort it or rile people up if they want to. Anybody can do that. However, we should sit down and explain that we do not want another situation like the one we saw with Mr. Chen. How do we properly balance that so that it does not happen again? How do we make sure that a farmer who is wakened in the middle of the night by somebody stealing his gas is not in front of

the courts for eight months just because he stopped that person from stealing it?

That is the balance our constituents want; that is the balance Canadians need, and that is what we are doing in this piece of legislation. If constituents have suggestions to make this bill better, then members should bring those suggestions to committee as amendments. They should trust the committee to come forward with what they think is the best work to develop this piece of legislation.

I do know one thing: what we have today is not working. When we have people who are the victims of crime being convicted or being pursued harder than the guy who actually commits the crime, then we know something is out of balance. We know something is not correct.

I will close with that comment, and just remind my colleagues as they go back to their ridings that they should talk to their constituents about balance and about appropriate levels of security for public safety. It will be interesting to see the response that members get.

If we get this right, as I said when I started, a lot of talk show radio hosts will suddenly lose a topic to talk about over the next two or three years.

•(1110)

[*Translation*]

Mr. Denis Blanchette (Louis-Hébert, NDP): Madam Speaker, I want to thank the hon. member for his speech.

He obviously wants to bring us together. He is inviting us to make amendments. I would like to remind him that it is his government that has invoked closure nine times and so far has not accepted any amendments to any bill that has been passed here.

Let me get this straight. Is the member opposite promising, on behalf of the government, to accept reasonable amendments that this side of the House might make? I would like to know whether for once we could improve a bill, as we should be able to at all times in the House or in committee, because that is the purpose of a debate, to improve things.

Could we on this side of the House have the chance to improve a bill for once?

[*English*]

Mr. Randy Hoback: Committees do work, Madam Speaker, and I said that four or five times in my presentation. If members have amendments, they should bring them forward at committee. There is a process involved in the development of legislation, and it is through committee. If amendments are based on politics and are not in the best interests of Canadians, then it is true that they will not go far, but if they are true, legitimate amendments that Canadians want, then the House would consider them closely.

Government Orders

The opposition complained about Bill C-10, for example. My colleague who spoke before me was very clear. That piece of legislation was made up of five pieces of legislation, and it was debated for four years in the House. It had had a great deal of debate, so there was no reason to delay. Canadians were asking us to get the bill passed and get it done. They told us that we did not need to hack away at it again. They said they had heard all the debates and all the arguments and they asked us to make a decision, and that is what we did: we made a decision. We moved forward.

If my colleague has some thoughtful amendments that are based on the best interests of Canadians, then I would ask him to please bring them forward, and we will consider them seriously.

[*Translation*]

Mr. Ted Hsu (Kingston and the Islands, Lib.): Madam Speaker, it seems that the word of the day from the Conservative Party is “balance”.

[*English*]

The word of the day is “balance”. I am sure we will be hearing a lot of that from the other side of the floor, but I want to talk about democratic balance.

When the committee considers this legislation, can the member guarantee that the traditions of committee work will be followed and that things will be discussed in the open, not in secret? Will committee work related to this bill be done in public or will it be done in secret, as the government seems to be doing a lot?

• (1115)

Mr. Randy Hoback: Madam Speaker, I take exception to that question, because committees follow a process that is perceived to be balanced and fair. I do not see that process changing with respect to this piece of legislation. It will come through the House and go to committee, and there will be a chance to do a report or a study on it. Recommendations will be made; based on those recommendations, the bill will come back to the House, and we will vote on it again.

I do not understand why the member is so concerned. This is a simple piece of legislation. If he has amendments, then he should bring them to committee. They will be heard there, and then the bill can move forward.

Mr. Ted Hsu: In secret?

The Deputy Speaker: Order, please. I ask members to make their comments after they have been recognized, rather than shout from one part of the room.

Mr. Blaine Calkins (Wetaskiwin, CPC): Madam Speaker, my colleague and I both represent rural ridings. He mentioned farmers. A young farmer in my constituency had perpetrators who had conspired to steal his property come into his yard. This young farmer, with some neighbours and friends, tracked the guys down and retrieved his property. In the process, however, the police laid charges against the farmer who was defending his property.

I wonder if my colleague could add anything to this debate that would—

The Deputy Speaker: Order, please. I will have to give the hon. member for Prince Albert 30 seconds to respond.

Mr. Randy Hoback: Madam Speaker, I appreciate the member's intelligent question. It was actually one of substance.

We have to look at the situation, and I am not familiar with the entire situation. Clearly we are not going to allow a group of farmers to get together the next day and form a posse to go after somebody. That would not be allowed, and that is clear in the legislation. However, if they are in the process of committing the act and others are reacting to it, what should happen is again laid out pretty clearly in the legislation.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Madam Speaker, the bill before us, Bill C-26, epitomizes the old adage “the road to hell is paved with good intentions”.

Although the intention of the bill is valid, questions remain about its application and, unfortunately, its results. We are talking about allowing people to arrest wrongdoers who commit crimes against property, which in and of itself is commendable. In the absence of police officers, it is almost a civic duty to uphold the spirit of the law and to ensure that people who commit crime are held accountable and brought to justice. We accept allowing citizens to uphold justice. However, things start to get a little complicated when we allow a person to use physical force or commit an act of violence against another person to make an arrest. Everything else flows from that. What is reasonable and what is not?

With regard to self-defence, there is a great deal of expertise contained in the Criminal Code itself and in the relevant case law to ensure that a person who was assaulted and took action truly acted in self-defence and that his actions were measured, proportionate and acceptable from a legal perspective. There is a reason the legal system takes into consideration criteria such as the aggressor's age, health and size, as well as whether the aggressor was armed and whether he clearly indicated his intentions to physically assault the victim or simply insulted the victim. All of these factors are taken into consideration in determining whether the victim had a legitimate right to self-defence.

Then, a second question is asked: was the response proportionate? If a five year old threatens someone with a stick and the person responds by firing a shotgun, we cannot expect the law to turn a blind eye. It is crystal clear that the person will have serious problems with the law.

I think that everyone, no matter what their political affiliation, can agree that this would be a serious breach of the law. That case does not involve an act of justice but, rather, an act of disproportionate violence. That is the problem we are facing with regard to people who commit property crimes. No life is in danger in such cases. I would even go so far as to say that, by making an arrest, the person is putting his health at risk. The person is even risking his life in the unfortunate situation where the aggressor is better armed.

There is a reason why my distinguished government colleagues have insisted on the fact that an honest citizen's initial reaction should be to call the police and not to risk his life to protect his property. However, sometimes it can be done, which raises the question: what is considered reasonable violence leading to an arrest?

Government Orders

Must the members be reminded that people can commit crimes without being criminals? There is the defence of necessity. We have all heard of someone who got stuck in a snowstorm and committed a break and enter to take shelter from the storm and avoid freezing to death. We have all heard of someone who stole a car to drive a person who was seriously ill to the hospital. These types of situations involve the defence of necessity, which is accepted in our legal system.

We can understand that, in Canada, many people with mental health issues, who are no longer receiving the proper care, find themselves living in the streets and committing crimes. Unfortunately, this situation is becoming increasingly common. These people are not responsible for their actions. They do not belong in prison or on the streets. They need health care.

• (1120)

Unfortunately, these people commit crimes. Do they deserve to suffer a serious injury when they are arrested or questioned about the situation? No one wants that.

Everyone knows that when police officers make an arrest, they do not have the right to use unreasonable force. Police officers are trained to use a minimum of force. They are not the judge or the executioner. Their job is to make arrests and to tell people that they must appear before a judge to explain themselves. That is quite reasonable.

We do not find reasonableness or proportionality in this bill. Many stakeholders came to tell the Standing Committee on Justice and Human Rights that there was a problem in that regard and that the bill really should be amended. In its current form, this bill has serious problems and if enacted would not stand up in court.

The intention is to protect people who make arrests. Therefore, it would be unreasonable to find ourselves passing a bill that, when first applied, would be considered *ultra vires* because it violated the Charter of Rights and Freedoms. There can be no just and reasonable sentence when there is violence. We would find ourselves in exactly the same situation, as if the law did not exist. This requires legislation. It is important for people who make an arrest to be protected to some extent by the law, and they should be permitted to help police.

Sometimes, police officers patrol alone in their cruisers and have to arrest two or three suspects. They may call for backup, but it may not get there quickly, especially in rural areas. In such cases, it would be helpful for honest citizens to be good Samaritans and help these police officers. Therefore, it is reasonable that they be protected by legislation.

What is unreasonable is that we are basically permitting any type of violence, especially in the defence of property. Earlier members said that we must not replicate what happens in the United States. The member for Prince Albert expressed a very sensible reservation in this regard, a reservation that is quite warranted.

I want to remind members of a very unfortunate case of defence of property in Arizona, with no criteria for reason or proportionality. A young man who was going to meet friends got the wrong address. He showed up at the wrong place and the owner of the property shot him in the back when the young man was walking away. The

American justice system found this man not guilty because it determined that the man was defending his property and that the young man had not been invited onto that property. We do not want to see similar incidents happening in Canada.

In addition, I do not want to see us applying Judge Lynch's principle. Lynch was an administrative law judge in Virginia during the American Revolution in 1776. He established the principle that if a number of individuals decide to enforce justice, this act becomes justice. The term "lynching" was named after this sorry individual. These kinds of things are now prohibited. Now, individuals generally cannot spontaneously declare that they will enforce justice. Any members of the public who want to enforce justice must do so in accordance with the law and not in accordance with a tradition or tolerance by the legal system. Therein lies the problem, since the text of this bill seems to indicate some tolerance for violence by the legal system, when this violence is disproportionate.

• (1125)

These things are important. We will soon have a law about the national flag. That bill must not enable people to use this legal right to violence in an inappropriate way.

Mr. Denis Blanchette (Louis-Hébert, NDP): Madam Speaker, I thank my hon. colleague for the sophistication of his speech. We learned many interesting things. He was able to recognize certain nuances within the bill. He pointed out that disproportionate force cannot be used. He suggested establishing certain legislative safeguards. I wonder if he could elaborate on the idea that the bill should clearly state that the end does not always justify the means and that only such force as is reasonable and necessary must be used.

Mr. Alain Giguère: Madam Speaker, all police forces have been trained on proper legal restraints in order to ensure that arrests are carried out without violence. The only constraint placed on police officers is that reasonable force is used. If they go too far, police officers can be prosecuted for police brutality. Unfortunately, this does happen sometimes.

In the present situation, we want to avoid that above all. We must protect honest citizens who decide to uphold justice without allowing them to exercise all the violence that they possibly could. In cases of self-defence, we must assess the criteria based on the real threat that a person faces and the appropriate response. A person cannot kill someone simply because he or she uttered threats or made a rude gesture. That is what must be included in the defence of property.

• (1130)

Ms. Joyce Murray (Vancouver Quadra, Lib.): Madam Speaker, I want to thank the hon. NDP member for his speech. He talked about Bill C-10 and the need to have prevention programs and care for people with mental illness or problems with drugs, instead of putting them in prison.

In his opinion, if we had more prevention and rehabilitation programs, would the problem that Bill C-26 is trying to correct be less significant? Would there be fewer crimes against property and persons?

Government Orders

Mr. Alain Giguère: Madam Speaker, I want to thank my distinguished colleague for her question. In the present case, every member of the House agrees that the best solution is for there to be no crime. Unfortunately, the vast majority of petty crime—shoplifting, vandalism, break and enter—is committed by people who have serious mental health problems. They go in and out of prison, and that has to end.

It is always the same people who, because of their untreated mental health problems, commit the same types of crime over and over again. They need to be supported, removed from the criminal environment and treated in order to stop committing the same type of crime all the time. With this bill, instead of being arrested by the police, they will be arrested by an honest citizen. The fact remains that the same individuals will commit the same type of crime three or four months later. In that regard, the bill does not solve anything.

[English]

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Madam Speaker, I am thankful for the opportunity to speak to Bill C-26. It is important that we revisit why we are debating this bill. It is, of course, because this government saw things happening in Canada, in particular a couple of incidents where the laws concerning a citizen's power of arrest, self-defence and defence of property, that needed clarification. That is exactly what Bill C-26 would do.

It does not introduce new concepts with regard to the Criminal Code. It clarifies what powers citizens have and their responsibilities. We always talk about what rights we have but we do not talk about responsibilities. Living in a civil society places responsibilities on every citizen and part of those responsibilities is to ensure that the world in which we live is kept safe so we can all go about our day-to-day lives with a reasonable amount of peace and tranquility.

About a month ago, the Minister of Justice introduced Bill C-26. The purpose was to expand and simplify the laws with respect to self-defence, the defence of property and to expand the circumstances in which law-abiding Canadian citizens can make arrests. The reason Bill C-26 was introduced is that our government is committed to putting real criminals behind bars. Canadians who have been victims of crime should not be re-victimized.

My mind goes back to instances where people acted in defence of their property and, because the law was not clear enough, police felt it necessary to arrest those people who we, in retrospect, and the courts found there were sufficient reasons that these people should not be convicted of the crimes for which they were arrested. The government and I believe everyone in the House wants to ensure the victims of crime do not themselves end up being re-victimized by finding themselves before the courts.

The purpose, as I mentioned before, would be to build on existing legislation that would authorize an owner or a person in lawful possession of property or a person authorized by the owner to arrest a person within a reasonable amount of time after having found an individual committing a criminal offence either on the owner's property, for example, if the offence occurs in the owner's yard or within his or her place of business, or if property is stolen from a public parking lot or some place like that.

In referring back to my years in policing, I never came across a circumstance where there was a grey area. It was relatively well defined. However, I had a chance to read some journals that we researched where people went above and beyond that. That is why this government wanted to ensure it was inserted in the bill that people need to be found committing offences on someone's property or property for which a person has responsibility.

We know that maintaining public order is a responsibility. We must always remember this. Every citizen and all legislators in this place must remember that there are trained law enforcement professionals who have a duty to maintain public order. However, we also know there is not a policeman on every corner of our streets, every 10 yards, 10 miles or 10 kilometres down the road. Again, I go back to the fact that all citizens have a duty and a right to protect their property and the persons for whom they are responsible.

● (1135)

That is why the government introduced these clarifications to the citizen's power of arrest. The reason I am repeating this is that some people believe that this would give additional powers and it is not. This power only exists if there are reasonable grounds to believe that it is not feasible for a police officer to make the arrest. What does that mean? It means that if the citizen does not make that arrest, the perpetrator of this crime will probably never be found. In other words, the citizen did not get a licence number of the car, a description of the person or the offence was happening so fast that the person did not have a chance to get a sufficient description or even a name or possible address for that person. Therefore, it would be necessary to stop the crime or additional crimes from being further committed and to apprehend the person so that as soon as practicable police officers can be summoned to the scene to continue the arrest and begin legal procedures, such as charging the person for the offence that he or she is responsible for.

It is important to say that in all cases a citizen's arrest is a very serious and potentially dangerous undertaking. I heard mention in other presentations before us today the fact that a person who is of limited physical ability should not, nor would any member of this place or any police officer recommend that a person with limited physical ability try to institute an arrest. Is there any property that we own worth our life or worth having some serious injuries or injury? The answer to that is obviously that it is not.

Therefore, before people institute their right to protect their property, et cetera, they should have regard for their safety and the safety of those around them. If someone has a firearm and is committing an offence and there are many people in the area, it would be foolish to try to institute that arrest. The responsibility is on the citizen, who is not trained like law enforcement officers, to assess the situation before he or she actually institute an arrest. The government is recommending that no one should take any chances but that, if people feel there is an ability to apprehend that person, they may do so because that is what this law says, this clarification of existing legislation.

Government Orders

It was mentioned here before about people's right to defend their property and to defend their person. Once again, it is important to reiterate that these proposed amendments to the defences would simplify the provisions and make it easier for police and prosecutors. That is very important because we want to make the enforcement and the adjudication of our laws simpler so that prosecutors, police officers and the courts, as well as citizens, understand and are better able to determine their rights and responsibilities with regard to their property.

Of course, the words of caution we have used here time and time again is "where it is reasonable" and therefore could provide a defence to a criminal offence. Police officers have powers of arrest but those powers have limitations and they are trained to know what those limitations are. Average people need to know there are limitations to their powers and that is why we were careful to say found committing a criminal offence in relation to their property and the property for which they have a responsibility.

● (1140)

The defence of property provisions have been greatly simplified because of the instances that stimulated the government and actually brought the situation to light. The stories were in all our newspapers. We were bombarded with them every day. We saw the need to clarify this law because a person who found someone committing an offence against his property all of a sudden found himself before the court charged with an offence. We, as a government, must respond to the needs of our community and of Canada. We saw that it was necessary to clarify and simplify the law concerning a citizen's power to arrest in relation to his or her property and in relation to—

The Deputy Speaker: Questions and comments. The hon. member for Saanich—Gulf Islands.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Speaker, I think all members of the House have a lot of sympathy with the intention behind Bill C-26. People have been sharing personal stories. I will not forget the time that our gift shop on Cape Breton Island was being robbed. We called the RCMP and they said to stay out of the guy's way and they would see when they could get there. We were not able to do anything about the fact that we were robbed. This is a typical story on Cape Breton Island, and nothing against the RCMP, but they tend to take hours to show up.

My own sense of how we respond to this now is that, given technology, the most useful thing in apprehending criminals is the advent of things like cell phone videos. There is an ability to get the evidence and give that to the Mounties later.

I agree that we must provide a statutory defence so that people who try to protect their business or their life and limb are not charged with a criminal offence. The concern I have is that it goes beyond prosecutorial discretion here and, by providing the idea of citizen's arrest, no matter how much we say there is caution, how do we avoid people putting themselves at risk, feeling empowered to make a citizen's arrest without the training to know how to handle a dangerous situation?

● (1145)

Mr. Rick Norlock: Madam Speaker, the hon. member mentioned something that is a very sensitive issue, and that is the length of time it takes police officers to attend the various occurrences to which

they are called. I know police officers would like to be there instantaneously. That is the desire. As a former member of a deployed police force, the Ontario Provincial Police, I know that in rural parts of Canada there are vast areas that need to policing. The member comes from an area that is rural in nature and I know it takes some time.

The hon. member raised some other very good points. We do have tools in a modern age at our disposal that can assist law enforcement agencies to find the perpetrators of crime. If possible, people can snap a picture. We see many convenience stores with cameras, et cetera. Therefore, if there is a camera in the store and a person is readily identifiable, no one should put themselves or their customers in jeopardy.

The government does intend to have a degree of public information so that people know their rights, responsibilities and limitations.

[*Translation*]

Ms. Francine Raynault (Joliette, NDP): Madam Speaker, I thank the member opposite for his speech, but I remain somewhat troubled.

Unfortunately, the government seems to have adopted a habit of shutting down debate in the House and in committees. This bill, like most legislative measures, requires careful analysis. The NDP will continue to demand that this government respect the legislative process and that it allow Parliament to study the bill.

A majority are definitely in favour of this bill. My family and I were victims of a break and enter. Other members of my family have been traumatized by similar experiences. Many people have returned home to find criminals looking for money.

I want to know if the government will listen to the opposition's recommendations.

[*English*]

Mr. Rick Norlock: Madam Speaker, that is what we are doing right now. We are exchanging views and we are talking about it. If we want to score political points and talk about other things rather than just Bill C-26, we can do so.

However, the member brought up another important point. She said that she had personal experience with a break and enter. She came home and found people in her house. Thank goodness, I have never had a break and enter at my residence, but I have had close friends and fellow police officers who have.

I recall one police officer telling me that when he came home, the thieves had urinated and defecated in his house, once they found out it belonged to a policeman. They took things that were not of great value to other people, such as grandma's old ring that she had given to his daughter. His daughters were unable to sleep at night because they were afraid the bad man would come.

Government Orders

I understand the tremendous psychological issues that go along with the perpetration of crime and how we continue to be—

The Deputy Speaker: Order, please. Resuming debate, the hon. member for Selkirk—Interlake.

Mr. James Bezan (Selkirk—Interlake, CPC): Madam Speaker, I am proud to speak to this bill which will introduce reforms to the Criminal Code so we can have the clarifications required in the courts to know when it is appropriate to make a citizen's arrest and when it is appropriate to conduct self-defence.

I come from a rural riding. We know that policing services are often quite well removed from people who live in the country. We have heard a number of members of Parliament speak today to the problems that are often encountered in having the RCMP get to a remote rural location. There are rural detachments that are often 20 miles or 30 miles removed from the communities they serve. Often the individuals who are staffed at those attachments are busy performing other policing services, such as patrolling highways or responding to public safety issues. Therefore, it is important that Canadians know there will be clarification with respect to what they can do to protect themselves, their families and their property.

We have been discussing the case of Mr. David Chen and the issues that he endured as a result of his making a citizen's arrest in Toronto a couple of years ago. When that happened, I went through sections 34 right through to sections 42, 44, 45 of the Criminal Code and read everything that related to self-defence, citizen's arrest and protection of property. I found it extremely confusing.

There has been a number of decisions and judicial commentaries made with respect to the need for a reform of the Criminal Code. This section of the Criminal Code was put in place back when it was first written in 1897. Therefore, it is over 100 years old and does not provide the clarity that prosecutors need or that police officers require to make decisions concerning investigations of criminal activities and the laying of charges. As well, it definitely does not provide the clarity that judges need to make proper rulings. Therefore, this is timely.

When we look at the problems we have in rural Canada, one of the criminal elements being experienced right now is with youth, often those who a lot of us would call “punks”. They coming out to the farms and steal property. They are not after little things. They are not running into the houses and stealing watches and jewellery. They are grabbing quads, trikes and snowmobiles from the garages. They jump on them and drive them down the road.

There was a situation in my riding a couple of years ago where one of my constituents gave chase to a couple of young guys. In his situation, he was able to get an ID, make an apprehension and charges were laid. We definitely do not want people to take unnecessary risks that would cause them to endanger themselves. Nor do we want to see them get involved in vigilante movements. This bill would clarify that this would not be tolerated. We will not have a bunch of posses formed, with people running around doing their own self-policing. We are still telling people to, first and foremost, contact the police, or phone 911, to ensure police officers are aware of the situation so hopefully they can respond quickly.

However, we see a lot of criminal activity especially in rural areas, although we often see it in urban centres as well. As the member for

Winnipeg North stated earlier, Winnipeg is a dangerous community. We are leading the nation in auto thefts and are near the top with respect to the number of murders, home invasions and sexual offences. Therefore, when citizens are put in harm's way on such a frequent basis because of these criminal elements, we have to empower them so they can take the necessary measures to protect themselves, their families and their properties.

• (1150)

Therefore, I applaud the Minister of Justice and our government for bringing forward this legislation.

When we look at the definitions of what the courts will use to determine whether an individual has used excessive force, the current code provides for that clarification. Therefore, we do not need to go into any more detail. If someone is breaking into a house, essentially going in unarmed, we are not going to have people running around shooting these people. That will not be tolerated.

If we have a situation where people come in and every reasonable peaceful means is taken to apprehend the individuals, if people are in peaceable possession of the property and do not want it to be removed, whether it is in a business or a home invasion, those individuals who conduct that activity need to know that Canadians will not tolerate it.

I believe by empowering Canadians in this way, it will send a strong message to offenders who commit these crimes. Canadians will be prepared and willing to take action if they feel they are physically able to protect themselves, their families and their property.

We want those criminals to think long and hard about this type of behaviour. We want to ensure they know they will be held accountable under the new, stronger justice measures that we have instituted, not only through this bill but through Bill C-10 and the other criminal justice bills that are being moved into law. They need to know they will be held accountable, that they will do the time for the crime and that this type of behaviour and criminal element will not be tolerated in Canada.

The number one issue for Canadians, from coast to coast to coast, and especially in my riding of Selkirk—Interlake, is they want to be safe in their homes, on their streets and in their neighbours. They do not want young offenders and the criminal element in our society overtaking their lives.

As was pointed out earlier, all we hear about in the news in Manitoba is criminal offence after criminal offence, murders, sexual offences, property damage, gang violence and drug activity. Those elements are there. The police are overwhelmed in dealing with those types of criminal elements in our communities.

Because the police are so overwhelmed and are often well removed from where a criminal offence takes place, it is important that we allow citizens the opportunity to protect themselves, their property and their families.

Government Orders

I personally have not had a situation where I have had to deal with it, but I know in my heart of hearts that if somebody tried to endanger my family or if the person came onto my property to steal, in the absence of police services being available, I would be prepared to take the necessary measures. I would not want to put anybody else into personal harm, but I would make that citizen's arrest. In speaking to so many people in Selkirk—Interlake, I know they are prepared to do the same.

One business has received repeated break and enters and the theft of quads and snowmobiles. Unfortunately the RCMP has been unavailable when those offences have taken place. The business owner has gone through the process of working night shifts, staying at his business to catch those individuals who have repeatedly attacked his property and stolen from him. He knows full well that he will replace that property and the criminals will return and steal again.

● (1155)

I encourage all members of the House to support the bill to ensure that we have the right reforms in the Criminal Code to provide the clarification that the justice system needs so badly.

● (1200)

Ms. Joyce Murray (Vancouver Quadra, Lib.): Madam Speaker, I listened to the reasonable and informed commentary on the bill by the member for Selkirk—Interlake. However, I also listened to the member for Northumberland—Quinte West. What really struck me is that one member is saying that the bill is essentially a set of clarifications. It is almost housekeeping, no new powers and no new concepts. Other members talk about the issue of crime, the fear and concerns that people have and the importance of this, that and the other. There are two divergent explanations of what the bill is about.

The bill which the Liberals support does nothing to reduce or deal with any of the root causes of property crime or crime against a person.

If the member for Selkirk—Interlake believes that addressing crime is an important priority for society, does the bill deserve the same level of consideration and debate as we saw with Bill C-10, which has a much broader reach? Is this really the answer to reducing crime?

Mr. James Bezan: Mr. Speaker, I can tell my friend that the bill deals with reforms and clarifications that are needed in the Criminal Code as it pertains to citizen's arrest and the protection of property and protection of self.

What we are doing with Bill C-10 and other legislation in the House is providing more tools to police officers, more tools to our court systems so that we can address the issues of property crime, sexual offences, home invasions. This is just one part of the overall picture.

In the absence of having police officers nearby and in pursuit of criminals, the clarification and reforms regarding citizen's arrest, which were well presented by my colleague from Northumberland—Quinte West who is a former police officer, will provide the tools to individuals. Even though not everyone has the physical capability or the training to make those arrests, those who feel empowered enough to attempt a citizen's arrest would know that the Criminal Code had

been clarified within the justice system and that they would not be prosecuted by the crown because of an arrest they would have made.

Mr. Phil McColeman (Brant, CPC): Mr. Speaker, I commend my colleague on his response to the last question about what it is our government is trying to do in terms of providing tools.

Most of us have examples in our communities of situations where citizens have become involved because they are outraged by the fact that things have happened to them repeatedly.

In my community a shop owner repeatedly had to deal with theft from his shop. He decided to spend extra time at the shop in the evening, and sure enough, the perpetrators showed up and he took action. In the current scheme of things, he became the victim. He was eventually charged, taken to court and suffered a penalty as a result of trying to protect his business from the thieves who were repeatedly taking his goods.

This bill is another item in that toolbox not only for the law to be enforced, but also for criminals to realize there are other legitimate means that do not overstep the bounds, but strike the right balance, which could lead to their being apprehended for their crimes.

Mr. James Bezan: Mr. Speaker, there is no question we are dealing with a criminal element who know they essentially have free access into any business or onto any property, whether it is a private home, a yard or a farm, with very few repercussions coming from citizens. Often criminals are accessing and targeting rural, remote farms, homes and communities knowing that the policing service is well removed.

As the member for Brant said, this is going to provide the opportunity for citizen's arrest for Canadians who feel they are capable of undertaking that and who are often angry enough because of the repeated offences that have been caused against them. This is a chance for them to put an end to being victimized over and over again.

● (1205)

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, I am pleased to speak to Bill C-26. The bill would amend subsection 494(2) of the Criminal Code to enable private citizens who own or have lawful possession of property, or persons authorized by them, to arrest within a reasonable time a person who they find committing a criminal offence on or in relation to that property.

As the Liberal critic said, the Liberals support the bill in principle, but we have some concerns about the scope of the self-defence provisions. They need to be further examined in committee.

I note that in this debate some Conservative members have assured the House that potential amendments will be discussed and considered and maybe incorporated. I want to point out that has certainly not happened in this 41st Parliament so far. All of the bills that have come forward have been rushed through, including Bill C-10, a very substantive bill that needed amendments. Even the minister recognized that amendments were necessary. He tried to put them in later and failed because they were rejected out of hand at committee where they should have been accepted.

We are optimistic that the Conservative government will shift its process of unilaterally pushing through its bills. We are optimistic that the government will start listening to the opposition parties and the diverse voices from different parts of the country.

Bill C-26 does not contain any new powers or concepts, as I noted previously in a question in this debate and as was said by the member for Northumberland—Quinte West.

However, Canada's self-defence laws are complex and out of date. This bill would bring provisions with respect to self-defence that are spread over four sections of the Criminal Code into one defence provision.

The Liberals have some concerns about the bill which we feel need to be thoroughly explored in committee. Our critic, the member for Mount Royal, has laid out those concerns clearly. They boil down to what could be seen as gender discrimination in the bill. The reasonableness of someone's self-defence action refers to size, age and gender of the parties to the incident. We contend that size and age may be critical factors, but gender could reinforce the concept of "the weaker sex", which is an anachronism in today's world. It is not appropriate. Women are just as capable of wading in as anyone is.

I have a personal incident with respect to a property crime. The member for Winnipeg Centre described his difficult situation, but mine was resolved much easier.

I returned to my company's office late at night, which many parents of young children do after the children are in bed and everything has settled down. This is a large building of 5,000 square feet and contains a number of offices. Clearly it had not been properly alarmed. When I went into the office I encountered a hefty individual probably in his late twenties. He did not belong there. He had been rifling through the petty cash and the drawers and personal effects of my staff. Alone at night in my office, I was completely shocked to encounter this individual. I used a very potent weapon to deal with this situation, my tongue. I reacted by telling him all of the reasons he should leave right away. I told him he had no right to be there as it is a family business where we work hard to provide a good service. Essentially, I succeeded in shaming the individual and he left.

• (1210)

However, I later realized he might have had a gun or a knife. He might have decided he did not want to leave because he had not completed his efforts to secure funds for whatever purpose. He might have resisted and I would have had to take a different measure, which I would have done in defence of my property.

I appreciate that the laws should be clear and that people, who are in situations where they are defending property or persons, should not have to worry that they may be charged under the Criminal Code because of confusion. I support this.

Many of the members on the Conservative benches have talked about their broader approach to crime. I have deep concerns about the Conservative government's broader approach to crime. It is partly because it does absolutely nothing to help prevent these very incidents of property and personal crime for which Bill C-26 provides citizens with a recourse.

Government Orders

Why are we not finding ways to reduce crime? Why is the government actually committing billions of taxpayers' dollars to a crime agenda or regime that goes completely contrary to the evidence and advice from states like Texas and California that have experimented with the kinds of provisions built into the Conservative government's approach to crime? They have failed, they have been costly, they have reduced justice, and they have actually increased crime. The government is going down that road.

[*Translation*]

As the member for Northumberland—Quinte West has already said, there are no new concepts or new powers in this bill. It clarifies an existing law that protects citizens in situations where they must defend their lives, and so forth. Furthermore, we are being given the same amount of time to debate this bill as we were given to debate Bill C-10, which included nine bills. Bill C-10 has very serious ramifications that would radically alter how youth are treated by the law. A number of professionals said that it was a bad bill, but we did not have time to debate it in this House, in this 41st Parliament, with the new MPs. Bill C-26 is much smaller than Bill C-10 and yet we were allocated the same amount of time for debate in each case.

[*English*]

I want to know why we are not seeing prevention but the warehousing of mentally-ill Canadians and Canadians struggling with drug addictions, who should be provided funding for treatment and prevention. In Vancouver, the youth skills connect program has been cut, so prevention programs for youth are being cut. The balance is completely out of whack and will be tipping over Canada's justice system in a very negative direction.

Liberals support this bill, but certainly not the overall approach to crime by the Conservative government.

• (1215)

[*Translation*]

Mr. Marc-André Morin (Laurentides—Labelle, NDP): Mr. Speaker, the hon. member just raised some rather interesting questions about this bill. My concern is that we are giving citizens a role that is already the responsibility of the police. There have been times when I had to get involved in situations where I had to physically restrain someone who was being aggressive or the like. Those situations are always serious. They endanger our lives, and emotions are running high. Is there not a risk that people who feel that they have their wits about them enough to take control of a dangerous situation will be tempted to act a bit like a judge and to take things a little bit further?

Ms. Joyce Murray: Mr. Speaker, I would like to thank the hon. member for his question.

I agree that it is more important to prevent crime. I am favour of making clarifications, but this should not be the government's main goal when it comes to crime. In fact, there are many things that need to be done, as the hon. member mentioned.

Government Orders

I was very disappointed when I found out that the government invested \$122 million over five years in prison security—dogs, technology, experts—because prisons are too full. Yet the government cut \$2 million from rehabilitation programs for drug users. That does not make sense. The Conservatives are doing things backwards.

[*English*]

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, I have a brief remark. I see a pattern with some of the government bills and private members' bills coming from the other side of the House. There is a desire, it seems, to simply change laws and not think about funding programs that actually could effect the prevention of crime. I wonder if my hon. colleague would comment on that.

Ms. Joyce Murray: Mr. Speaker, the Conservative government in Britain has just that kind of approach right now. It has a goal of reducing the number of prisoners by half through prevention and treatment programs. In our prisons, according to the prison ombudsman, 85% of prisoners cannot get the treatment programs that they are required to take by their own correction plans. That means they stay in prison longer, they plug it up more, and end up with greater re-offending rates. This is a backward approach. The Conservative Bill C-10 is making things far worse.

[*Translation*]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, I noticed that my colleague focused quite a bit on prevention in her speech. That is something I truly believe in. Right now, this government's focus is on fines and consequences of crimes rather than on prevention. Sure, some things are more realistic, but there should be a combination of the two.

I would like my colleague to expand on that.

• (1220)

Ms. Joyce Murray: Mr. Speaker, I absolutely agree that both aspects are necessary.

[*English*]

The rate of homicide in a neighbourhood, research shows, is directly correlated with the life expectancy in that neighbourhood for reasons other than homicide, which are things like suicide, accidents, health problems, child mortality and high income inequality. That is the direct correlation with homicide as a crime. We can do everything to dump people into prisons, but we need to be addressing the root causes of crime, which are unsafe neighbourhoods and high income inequality. The government is going backwards on both of those measures.

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, it is a privilege for me to stand in this House to speak to this bill which would clarify in law provisions that many people have been confused about over the last number of years.

As a matter of fact, I should tell members that I represent a large rural constituency. A significant portion of my riding is outside the larger city of Grande Prairie. Right now, I represent, in the province of Alberta, about 20% of the land mass. So, it is a significant territory. In that territory, in my constituency, about 60,000 people live in close proximity to the city of Grande Prairie and the rest of the other 100,000 people live throughout the constituency in small

villages and towns and, significantly, in some cases, remote and rural communities.

This bill and its provisions are being welcomed within my constituency because it would clarify in law what is in fact a worrisome consideration for many people who live within my constituency.

Over the last number of years, this House, many members on all sides of this House, have witnessed high profile stories, where individuals who were simply trying to defend their own property or their family's security or their individual businesses have been then victimized themselves by the criminal justice system for doing exactly what I think all of us believe is reasonable, simply defending their property, defending their families, and, in fact, were found to be on the wrong side of the law. That, I think, is what this House seeks to clarify.

Notwithstanding the speeches that we have heard in this House today, I would suggest that there is actually significant support from members in different parties on this because members across this House hear stories from their constituents where they feel that they are not protected by the criminal justice system.

I am fearful that Canadians have become increasingly worried about the criminal justice system. They believe that the criminal justice system has moved from protecting those who are the most vulnerable and those who are innocent to actually working more to protect the criminals. The most evident of those concerns are when people read stories where individual shopkeepers are being arrested because they sought to stop someone from stealing from their store or where individual farmers are arrested for having run people off their property when they were hunting in close proximity to livestock.

These types of things worry people. They send a chill, quite frankly, among those people who really are the most heroic in our communities, those people who would intervene in any circumstance when they saw an injustice happening, those people who would seek to defend their families, defend their businesses, defend their neighbours' property, and defend their neighbours.

It is important that we join together as members across this House and actually support the legislative measures that would clarify this in law.

I mentioned earlier that I represent a rural constituency. Included in this rural constituency are a number of different components and communities. I represent a large agricultural community. Many farmers in my area live some distance from their neighbours and a significant distance from RCMP or police headquarters or dispatch centres. When there is a concern in rural communities of someone stealing from a farmyard, and I should say that in our rural communities we do not have a lot of crime, and we are thankful for that.

However, there are incidents, unfortunately increasingly so, where people come onto farmyards and steal either equipment or tools or, in many cases, gasoline or diesel fuel. There is little that farmers can do if they live hours away from a dispatch centre, other than simply confront the perpetrator and try to hold that person in place until such time as authorities can arrive.

Government Orders

•(1225)

Often, people come unidentified into farmyards. If they do not come with a vehicle, or they come with a vehicle that does not have a licence plate or they come in a stolen vehicle, there are limited identifiers for someone to report the crime and for police forces to follow up. It is important that farmers know that they have the assurance, in law, that they can confront perpetrators who come on their property to steal livestock, tools, gasoline or any other goods, and the farmers will not be found to be in violation of the law by confronting and holding perpetrators until the authorities can arrive.

It should be noted that any time people are intervening in a situation where a perpetrator is committing a crime, obviously what is most important is the safety and security of all people involved, those who are confronting the perpetrator. That is a cautionary note that we should all consider. However, there are circumstances where people's lives are in danger because of the acts of others when they come into a business, a community or a farmyard. It is important that we assure Canadians that if they confront somebody in self-defence, there will be protection for those who are standing up for themselves or their loved ones in a family home.

I represent a large aboriginal population in my constituency. Like my farmers, they are often located in isolated communities. I have heard on a regular basis that they have similar concerns about the necessity and ability to confront a perpetrator in their community and hold that person until such time as the police can intervene. We as a government are working diligently to establish a police presence in communities across this country and increase those resources. However, the police cannot be in all places at all times. I should note that our government recently announced a tripartite agreement in some of my aboriginal communities to see additional police resources in those communities. However, the reality is that these territories are large. Even when the men and women who are responsible to protect our communities, the RCMP members, are on surveillance they can be some distance away from where a crime might be happening. In some cases, their territories cover many miles and it can take hours to get from one side to the other. It is important that these provisions be in place.

What I have heard, and I think all members would recognize, is that there are concerns coming from Canadians. It is not just a rural consideration. One of the more high profile cases where somebody intervened was in downtown Toronto. My colleagues are aware of the story. Many members of Parliament have met with the individuals involved and we know this is not just an isolated circumstance that only occurs in rural communities. It happens likewise in urban centres and therefore it is important that we clarify the law.

I support this legislation. Our government supports this legislation. My constituents support this legislation and I know the constituents of many members across the way support this legislation as well.

•(1230)

[*Translation*]

Mr. Denis Blanchette (Louis-Hébert, NDP): Mr. Speaker, I thank my colleague for his speech.

He made a number of references to safety issues for his constituents. Would the member be prepared to support amendments from this side of the House, in order to protect the safety of his constituents?

[*English*]

Mr. Chris Warkentin: Mr. Speaker, what is most important is that there be clarification in the law. The bill goes a long way to do that. I have not heard specific suggestions of amendments today that I feel would be absolutely necessary to clarify in the law. As a matter of fact, I have heard some comments about the need for amendments, but no specifics that would address specific concerns without watering down the provisions within the bill.

I believe that the legislation is absolutely clear on the side of protecting one's property, but also on the side of self-defence. This provision found in the proposed legislative changes is clear. I cannot stress enough that there be clarity in the law, not ambiguity. I believe that clarity has been established with the drafting of the bill.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Mr. Speaker, I see the merit in the bill, but there are a number of concerns. I represent a rural riding like my colleague from Peace River. I have been to enough community policing meetings where the police know that everyone has a cellphone now. The police want that to be our first reaction to a crime taking place.

Let us use the scenario of two guys who are stealing a barbecue from a backyard. These guys do not want to cook a steak. They are hepped up on crystal meth or whatever the drug of the day might be, and they want to get more of the drug. They are not hosting a block party and looking for something to cook the burgers on. They think differently than John Q. Citizen thinks.

Then there is a citizen who is armed with this piece of legislation. He may be motivated by anger. He has no police training, but he watched Charles Bronson years ago and he is going to be a vigilante. He is well-intentioned, but all of a sudden we place this citizen in harm's way because the only thing he has to throw at the thieves are the new provisions in this piece of legislation.

I am hoping that, as well-intentioned as this might be, the Conservatives will entertain amendments at committee as we support it to go to committee.

Mr. Chris Warkentin: Mr. Speaker, it is important that we as members of Parliament make it very clear that, when people find themselves in situations like the member describes, their first response should be to call the police. But there are people who find themselves in situations where the response needs to be, for the sake of someone's safety, an immediate reaction to actually stand in the way and provide some protection for their loved ones. It is important that we not have those people questioning what they are going to do simply because they are worried about what the law might state.

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We need to have clarity that, if someone uses reasonable force when it is absolutely necessary, there will be protection for those folks and that they will not be victimized by the court system simply for doing the heroic thing. I believe the legislation actually spells that out. We as members of Parliament and as community members need to remind Canadians that their first response should always be to contact the authorities. But in a very small number of cases where that may not be an option, or the option may be something people cannot resort to immediately, they still have the right to protect their families and loved ones.

• (1235)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I am pleased to rise today and talk about Bill C-26. This legislature has been preoccupied with a lot of crime initiatives over the last part of the session. The Conservatives have been pushing a whole crime agenda. There is some consensus around this one though. It is nice to see the issue from the member for Trinity—Spadina addressed in this particular bill. I will get into the Lucky Moose Food Mart story later.

This is an amendment to the Criminal Code to deal with modern situations that are taking place and to clarify for the courts not only apprehension of individuals by citizen's arrest, but also protection of private property.

It is important to back up a little though and talk about the overall issue of crime in Canada. We know that crime in Canada is actually down right now. I know that the government's official position is that unreported crime is up. I do not know how unreported crime can be up, but apparently that is the government's position. It seems to know the unreported crime rate. However, we know through statistics that it is not the case. In fact, sometimes when we hear the rhetoric coming from the other side of the House we would be concerned to let our kids out at night. The reality is that Canada is a relatively safe nation and we have good police forces with well-trained men and women who serve the community.

In this particular case we are looking at amending the Criminal Code to deal with some issues that have emerged. The case of David Chen and the Lucky Moose Food Mart is an important one. For those who are not familiar, he was being robbed again by a routine thug. He decided to apprehend the individual to stop the theft because it was too difficult to have that type of atmosphere in his store. Because he detained the individual, he was later charged by the police. Because he had box cutters, which is often the case in a grocery store, he was also charged with a weapons offence.

This was a sad situation that was finally resolved many months later and the case dropped. However, it brought to light the real problem that some people face with restraints on some of our public services, where those services often do not have the capability to respond. I am a former city councillor. I can say that there is not unlimited support to provide our police with the proper time and availability. It becomes challenging, so often some people feel they have no other choice. This is why we saw the apprehension take place and we saw the unfortunate result. This bill would amend the Criminal Code to deal with that.

We have to be careful about whether we want to create a vigilante society. This is one of the things we need to hear from witnesses about at committee. Often, we have seen instances where the

replacement of law enforcement by citizens has been a negative thing.

One such case is the Minutemen. The Minutemen have taken over different areas of jurisdiction on the Canada-U.S. border because they feel there is not enough law enforcement and not enough policing of the border. They have organized themselves. I have had debates with Congress officials about these groups because often they are actually armed. Because they are in the United States, they arm themselves. They are looking for people up and down the Canada-U.S. border. They are also on the southern border. There has been quite a lot of talk about what they do and how they do it. There is a lot of concern among law enforcement officials on the U.S. side because the Minutemen are not well trained and they use extreme tactics. Just for crossing illegally or crossing at an area where one is not supposed to cross, there has been violence. We have to be careful about those situations. The Minutemen are a good example of vigilantism going too far.

We have also seen in North America, and even in my constituency of Windsor West at one point, the Guardian Angels patrolling the streets. There were issues with the way some of them apprehended people. Not all of them, there is no doubt about that, but there have been situations where these chapters have come and gone.

• (1240)

A bill like this can feed into the frenzy of the idea that we do not have a safe community or that crime is rampant in Canada. The government has done that with its crime omnibus bill, which will not pass in this session of Parliament, ironically because the government refused to move the necessary amendments for it to be legal. Now we have consequences as well with the upcoming budgetary allocation for the bill.

We need to recognize that resources will be stretched. This goes back to groups like the Guardian Angels. They were formed in Los Angeles. They went across the United States and then chapters came to Canada. However, they have not sustained themselves, and there are lots of reasons for that.

This bill would amend the Criminal Code in a way that would provide some clarity for specific situations. That is the big difference. I look at this bill, and maybe other members do as well, as being able to help people like David Chen. It will help representatives, like the member for Trinity—Spadina, to address issues such as those that took place at the Lucky Moose.

As well, there is the protection and private property. That is an important factor. There have been a number of cases that have come forward under the Criminal Code. Chief Justice Lamer stated that sections 34 and 35 were unclear with regard to private property. We want to see greater clarity about what will happen and who is responsible. At the same time, we want to know if there will be some reciprocity to the individual when that takes place.

When we move this bill forward, it will be interesting to listen to witnesses who come forward. In my opinion, it will be important for the government to be open to the consideration of amendments. We want to ensure that there will be balance in this. The bill proposed by the member for Trinity—Spadina is balanced. There is some more clarity required on the private property element.

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However, to be realistic, we need to ensure that we do not make people feel they are no longer safe in Canada, that rampant crime has taken place across the country. It is just not the truth. The truth is that crime is down in Canada, but we need to modernize some tools. This is one thing we can do, which will not be at a cost to the Criminal Code.

Interestingly there are no mandatory minimums in the bill. There are no automatic penalties. However, the bill does give clarity. That is an important difference with this bill versus the government's current omnibus bill, which will come with a hefty price tag. There are lots of issues with it.

As a former coordinator at the multicultural council, I worked with youth at risk. We found that if they were given an opportunity, they looked forward to a job or an education rather than repeating an offence. It is critical that we have those types of programs in place. We had 16 youth at risk, 8 who were new to the country and 8 who were long-term Canadians. The eight who were long-term Canadians had made bad mistakes, whether it was shoplifting, assault, some small crime, maybe a charge related to drugs or some other small theft. We mixed them with new Canadians and put them in programs to fight racism issues and to promote community programs.

With that program, we had a success rate of over 90%. We have found that those kids with problems understood that the new Canadians just needed to learn the process to advance in their lives. They knew the system and they would teach new Canadians about a number of different things. There would be a program with resume writing, skills development, life skills and a whole series of things. That was much more progressive, and we had a 90% success rate. We found that people did want to get jobs.

I will conclude by thanking the member for Trinity—Spadina for raising this issue in the House of Commons. It is important to note that, for a change, we will see the government working in consensus, trying to improve the system, as opposed to conflict.

• (1245)

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I draw the attention of my colleague to the fact that this government has invested heavily in crime prevention programs and anti-drug strategies. We are very much aware of the need for prevention.

The member also mentioned the fact that the crime rate was going down. He may not have heard this, but earlier today his colleague, the member for Winnipeg Centre, commented that, by far, the most common concern he heard from his constituents was the issue of crime.

Crime rates may in fact be falling, although that is debatable, depending on which crime rates we are looking at. Some violent crimes have actually risen over the past years.

Does the member not hear constituents in his riding asking that the government take action and bring balance back into the system so the needs of victims are not ignored, as they have been for far too long?

Mr. Brian Masse: Mr. Speaker, the vast majority of citizens in my riding are asking why the government has not completed the border

deal or put in a jobs action program and why it has allowed the manufacturing industry to languish.

We have the lowest amount of manufacturing jobs since we started taking those statistics in the 1970s. We have seen the hollowing out of these value-added jobs. That is why we have constituents calling about that. Yes, issues related to crime come up, just like with everything else, but the vast majority of the issues we deal with right now relate to why people cannot get employment insurance even though they have paid into the system. It is their money. Their employers have paid into the system. They have been laid off through no fault of their own. When they call, all they get is an answering machine and therefore the processing is not done.

This is what we hear from people and that is the difference. We have a significant problem with the economy right now and it is not being addressed by the government. There are some programs for crime prevention, but at the same time some of those programs have recently been cut, including the one on which I used to work.

[*Translation*]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, I thank my colleague for his very eloquent speech.

In the fight against crime, there are certainly measures to be updated, but we have to do more than just punish criminals. We must also take preventive action. I would like my colleague to tell us how this relates to our government's current attitude. Earlier we heard that crime rates were going down. But could they go up if we never take any preventive action?

[*English*]

Mr. Brian Masse: Mr. Speaker, absolutely prevention is key when we look at crime. Another with respect to public safety is fire prevention, which is critical for fire departments. If the situation is prevented from happening to start with, there are no subsequent costs, loss of lives or injuries.

It is the same with crime. Right now most Canadians are interested in finding a decent job and doing better next year than they did the previous year so they can move on with their lives. There are some who will always be a problem, which is an aspect we will have to deal with, but the vast majority of people want a decent life, decent accommodations and a decent job. That is what they are seeking. We need a jobs plan so people can move out of poverty and have hope and opportunities. We have not seen that with the government. That is a real problem. We have continued corporate tax cut reductions for the oil companies and the banks and that money is not being reinvested into the economy. We know that statistically from the audits. That is why we need to have investment on those issues.

Youth at risk, in particular, are a worthy investment. The programs that we have had in the past are very well-run. It is a shame that the government has cut some of these and is considering cutting more of them.

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● (1250)

Mr. Ryan Leef (Yukon, CPC): Mr. Speaker, it is a pleasure to speak to Bill C-26. I have heard a number of my colleagues speak on both sides of the House. At the risk of repeating some of the things we have heard today, I want to highlight the things that are unique to this bill and that would be great for Canadians.

From the perspective of a person who represents a vast rural riding, the Yukon Territory, there are geographical gaps in terms of the ability to police to have appropriate numbers of officers in such a vast riding. That is no different across rural Canada in general. When crimes occur and there are citizens available to act on them, it is a tremendous shame that people who do so find themselves on the opposite side of the law. As one of my colleagues pointed out, these heroes have stepped forward to protect Canadians and property and to what is right. This bill seeks to clarify that when people act as heroes, people who step forward and do what is right to prevent crimes, we ensure they are not punished for those responsible steps they take as Canadian citizens.

A number of programs across Canada already celebrate the role citizens play in crime prevention, programs like Crime Stoppers, Neighbourhood Watch and Citizens on Patrol. These programs are examples of encouraging average citizens to become the eyes and ears for police. Without their assistance, police officers have a very difficult time doing their jobs and completing their required tasks, given the responsibilities they have, the vast distances they need to travel and the limited resources they have in certain regions of our country. They rely heavily on these exceptional programs.

We see advertisements in Canadian newspapers that provide Crime Stoppers tips and ask for the help of Canadians. They publish pictures of people who are wanted for various offences. When they do that, they are obviously asking for the public's assistance from the perspective of not necessarily looking for these people, but to observe, record and report what they see to try to get police to situations as quickly as possible. That is certainly something our government is continuing to promote.

I have definitely heard the word "vigilante" on both sides of the House today and the fear that people will all of a sudden, with this new-found authority, engage in vigilantism, as if Canadians do not have better things to do than run around the streets and pretend they are police officers. I do not think any expanded authority or protection, which might be the more appropriate term for people who act as heroes versus expanded authority for them to go out on Canadian streets and act as police officers, is not the intention of this bill. We are encouraging all Canadians to utilize police as the first line of protection, the agency that is mandated to protect Canadian streets and deal with crime in our country, and that Canadians observe, record and report to police when they see crimes occurring.

Whether it is during statements by members or in debate on other bills and issues, I hear members on both sides of the House say that they want to stand up against bullying and impaired driving in our country, that they denounce violence against women and domestic assault and that we cannot tolerate this. The bill would allow the protection for people who have the skills, knowledge, ability and at times just the courage to step forward to stop that. It would prevent them from becoming victims of an unclear legislation.

● (1255)

Can anyone imagine any of us walking along our community streets and hearing a cry for help and, in this current day, being concerned that our intervention, if physical intervention were required, could get us arrested when we were merely trying to do the right thing and help somebody?

We know today that one of the most effective ways to prevent bullying from occurring is to step up and speak out. However, imagine if we stepped up and spoke out and then ended up having to use a reasonable level of force for intervention to protect a fellow citizen, but then being arrested and charged for it. This has happened in our country, which is a shame because it discourages Canadians from doing the right thing. It discourages them from stepping forward, not just to be a hero but to do what is right, what is expected and what we should do as Canadians.

It is a little ironic that we are brave and courageous here in the House to say that we will not tolerate bullying, impaired driving, domestic abuse or violence against women but we allow laws to exist on our books that criminalize Canadians who do have the courage, skill, knowledge and ability to step forward.

I draw the House's attention to a marvellous book written by Amanda Ripley called, *The Unthinkable*. In her book she talks about the first person most likely to be involved in saving another person's life. She says that, whether in an urban or a rural setting, the first person will be one's fellow citizen, the average Joe walking the streets. It does not matter if one is in a big city or rural Canada.

We heard a member on this side of the House talk about fire prevention as an example. It does not matter if one's house is burning, if one is injured and requires ambulance services or if there is a crime, the first person most likely to intervene or be there to do or say anything about it will not be the fireman, will not be the paramedics and will not be the police. The first responders will be average Canadian citizens who are, day in and day out, the heroes saving lives, whether it is a fire, a medical emergency or a criminal offence. We want to ensure that we have a body of legislation that reflects the role we expect, want and hope Canadians to play without making them a criminal in the situation.

I recognize the concern on both sides of this House that this may encourage vigilantism but I do not necessarily see that being the case. I do not think people will read into the legislation that they have an expanded authority. As I said, I do not necessarily see this as being an expanded authority for Canadians. I see it as being an important level of protection that we need to provide Canadians.

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We already have sections under the Criminal Code that talk about the use of force and where force is justified. Under section 37, everyone is justified in using force to defend themselves or anyone under their protection from assault if they use no more force than is necessary to prevent that assault or repetition of it. That exists now but we need to ensure that it is clear so that we do not see vigilantism and abuse of that authority. I believe the bill would allow us to do that.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, I listened carefully to the presentation by the distinguished member. I noted with pleasure that, with this bill, he wants to protect the good Samaritan, which is all well and good, and that he wants to avoid what is commonly known as lynch law, or lynching. In this regard, we have concerns that are justified.

We pointed this out and we did note that the member said he does not condone this kind of parallel justice system. If the Standing Committee on Justice and Human Rights were to hear expert witnesses say that there is a problem with the bill, a risk, a hint that the bill would foster this type of parallel justice system, I believe that I have understood from my distinguished colleague that he would amend the bill in order to eliminate this risk.

• (1300)

[*English*]

Mr. Ryan Leef: Mr. Speaker, several of our colleagues have answered similar questions. I do not sit on the justice committee but we are certainly willing to hear input from the opposition. As some of our colleagues have pointed out, we do not want to be in a position where we fear-monger to any degree. We know the reality of what sections could mean to us and any input that could tighten up that legislation would obviously be most welcome.

However, we should not try to predict that vigilantism will occur without substantiation. If there is substantiation for that, all my colleagues on this side of the House have indicated that they would be more than willing to hear witness testimony when the bill goes to committee.

[*Translation*]

Mr. Jonathan Tremblay (Montmorency—Charlevoix—Haute-Côte-Nord, NDP): Mr. Speaker, I do not at all remember the terms used, but I did listen carefully to my colleague from Yukon.

In fact, this bill sheds light on another aspect of the fight against crime. I am wondering if the member believes in the importance of prevention when fighting crime and if he believes that there is more work to be done to improve crime prevention.

[*English*]

Mr. Ryan Leef: Mr. Speaker, without straying too far from the specific bill we are here to debate, I will say that the work we are doing in crime prevention is exceptional.

I have talked in this House in the past about not operating in silos, not just focusing on crime bills, but looking at what we do across all streams of government.

Our investment in the health portfolio, for example, \$565 million that goes toward education programs, anti-gang prevention programs

and health initiatives. We make investments in education and in sport and recreation. All those things combined are crime prevention strategies: healthy communities, healthy neighbourhoods, healthy people. I always say that in sport and fitness, healthy mind, healthy body. Those are all strategies designed to reduced crime.

I am very proud of some of the investments our government has made across departments, not just focused on what the Department of Justice does, but what all departments do in an effort to make strong and health communities that ultimately lead to positive interaction with one another and a reduction in crime rates.

I certainly agree that any efforts we make, as long as we do not fixate in silos, across these departments to reduce crime are excellent initiatives. I know our government is taking tremendous steps across our departments to do that.

[*Translation*]

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, I rise here in the House today to support Bill C-26 at second reading.

This bill comes as a result of the events that took place at the Lucky Moose grocery store. I am sure that all members are aware of what happened, but I will briefly go over the events anyway. Mr. Bennett stole a plant from Mr. Chen's grocery store. Mr. Chen had already been the victim of several thefts from his business. Using a camera, he was able to identify Mr. Bennett. An hour later, Mr. Bennett returned to the Lucky Moose. At that time, Mr. Chen and two of his relatives arrested Mr. Bennett with a knife and tied him up in the back of a truck, if I am not mistaken. It is important to emphasize that during the trial that ensued, Mr. Bennett admitted that he had returned to Mr. Chen's grocery store with the intention of stealing something else.

After detaining Mr. Bennett, Mr. Chen called the police so that officers could come and take the thief into custody. However, when the police arrived, they arrested not only Mr. Bennett, but Mr. Chen and his family members, too. They were charged with the kidnapping, assault and forcible confinement of Mr. Bennett, given that, according to the police officers, Mr. Bennett was not in the process of stealing from him when Mr. Chen arrested him. This arrest drew a great deal of media attention and people felt that Mr. Chen was being treated unfairly. I would like to repeat that this was a case of a small business owner who arrested a thief who was stealing from him and taking away his livelihood.

The idea for this bill arose out of the feelings of injustice shared by the entire country. The hon. member for Trinity—Spadina was the first to react with her private member's bill, a bill that was introduced in this House in the last Parliament.

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I would like to express my sense of solidarity with Mr. Chen and small business owners across the country. They work hard to provide essential services to their community and to earn a living. Small businesses and the families who run them are particularly vulnerable to the type of theft committed by Mr. Bennett. They have to resign themselves to the small profit they earn since they have far fewer goods and much less capital than corporations, which can afford to be more competitive. These small businesses are at the heart of the communities in our country. We must give them the means to survive.

My riding of Terrebonne—Blainville has many small businesses similar to Mr. Chen's, and much of our economic wealth comes from the work of the small business owners. It is important to me to listen to them and understand their needs, their fears and the difficulties they are facing. I can understand how any theft, no matter how minor, can affect the modest income of Mr. Chen and his family and how important it was for them to stop Mr. Bennett when no police officer was there.

The reason I support this bill at second reading is based on this sense of solidarity with small businesses. The current legislation did not successfully defend the interests of Mr. Chen. He was the victim of repeated thefts and then the victim of our legal system since the law was insensitive to his case.

In cases like this, where we recognize that the status quo is unbalanced, it is our responsibility as politicians to do something about it. We have an obligation to think this through and strike a new legitimate and fair balance. That is why I support the principle of this bill at second reading.

That being said, I am eager to examine this bill more closely in the Standing Committee on Justice and Human Rights. It is imperative to focus on some aspects of this bill that merit further discussion.

First, we must recognize that this bill must not become an invitation for small business owners to use this type of arrest because that is not their job. In this regard, we must be very careful about the message this bill sends. When we talk about citizen's arrest and establishing flexibility regarding the time when the arrest becomes legal—something that is introduced in this bill—we must emphasize that this right must be exercised only in exceptional and extreme cases.

I repeat that this bill must not be an incentive or public invitation for just anyone under any circumstances to exercise the right to arrest someone who is suspected of theft. This bill is simply a response to the double injustice experienced by Mr. Chen and that could be experienced by other small business owners who may find themselves in a similar situation.

● (1305)

We do not want to put the grocery store owners, such as Mr. Chen, into risky situations. We must, therefore, do more to encourage other types of community policing and other measures that could help to reduce the proclivity some people have to steal.

I would also like to emphasize that this bill absolutely must not open the door for a person who makes a citizen's arrest to treat the person he arrested in any manner he chooses while he waits for the

police to arrive. I hope that the committee will examine this issue in greater depth.

I would like to make one last point in closing. I am not really familiar with Mr. Bennett's life story, but I would truly like to emphasize the fact that, in order to protect people like Mr. Chen, it is our duty as politicians to examine the human and social factors and determinants that drive people like Mr. Bennett to commit crimes. I am not saying that there will never be thieves in our society, and we must ensure that we have laws to protect Canadians from theft. I am simply saying that the unfortunate incident that occurred at Mr. Chen's grocery store should not give us carte blanche to categorize people as good or bad.

We need to remember that reality is much more complex. In order to make our streets safer for our families and for businesses like Mr. Chen's, we must think about the reasons behind Mr. Bennett's actions. We must protect all Canadians.

● (1310)

Mr. Ted Hsu (Kingston and the Islands, Lib.): Mr. Speaker, does my hon. colleague think that there are safeguards in this bill to ensure that responses to crimes are commensurate with the seriousness of the crimes?

Ms. Charmaine Borg: Mr. Speaker, I thank my colleague for his question.

I am not sure if I fully understood the question, but I think that there are some potential problems with this bill. We do not want citizen's arrest to be the first response or the only response. There are other ways to prevent crime and to ensure that SMEs and small businesses, like Mr. Chen's, are protected.

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, I thank my distinguished colleague for her critique of this bill.

I have a question on the nature of the crimes people will be facing. Unfortunately, we have noticed that, because people with mental health problems are being removed from institutions, we often see petty crimes happening more frequently. We are talking about people committing petty theft or shoplifting. All of this crime happens systematically. We have to wonder about the government's reaction. I absolutely want to protect good Samaritans, but the problem is that if we systematically continue to arrest the same people at different times for the same crimes, how does this solve anything?

Ms. Charmaine Borg: Mr. Speaker, I thank my colleague for his question.

I think the answer is that we must look at the root causes. Why are these people forced to turn to a life of crime? It may be because of poverty or family problems during their youth. As a society, we must look at these root causes and why certain people are more inclined to commit crimes and to reoffend. That is my answer to my colleague's question.

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[English]

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. Speaker, it is an honour and a privilege for me to rise in the House today to speak to this issue, one that is taken very seriously by my constituents. It arises from an incident that happened a few years ago near the small rural community of Tees, Alberta. That community is located approximately a 45-minute drive from the nearest RCMP detachment. That particular RCMP detachment would be involved.

On that particular evening, the resident who lives there was awoken in the middle of the night, one o'clock in the morning roughly. I do not know all the details as I was not there, but based on the various media reports and information that I have, he was awoken. I believe his spouse was outside checking on the farm. He has young children present and he noticed three individuals trying to steal a quad from his yard. They were actually using his own truck to do so.

Being at a remote farmhouse, the individual in question grabbed some tools and went outside, and started pursuing these individuals down the road. He ended up using his own car to knock the truck off the road and, of course, knocked the quad into the ditch. There were some ensuing calls to neighbours and a roundup began to catch these individuals. They had been captured and then took off again inside one of the vehicles. Without going into too much detail about all that happened, it ended up that some force was used.

The individual who was defending his own property ended up having more charges laid against him than those who conspired to go out and steal his private, personal property that he worked hard for. As a law-abiding citizen he paid his taxes and used his after-tax dollars to buy this property. He did everything by the rules, played by the rules. He is actually one of these individuals who, if an RCMP or police officer needed help or support, would come to the aid of a police officer. Yet, because of the confusion surrounding citizen's arrest and the levels of force that could be applied, more charges were laid against the individual in the defence of his property.

This is outrageous. This has outraged so many people in the community that so much money was raised, and I have never seen a better reason for fundraising to happen in a particular community. A defence fund was set up for this individual. Tens, if not hundreds, of thousands of dollars was donated by concerned property owners, law-abiding citizens who thought it was an egregious miscarriage of the interpretation of the rules of justice that the individual in question would have more charges laid against him than those who perpetrated the crime. After dispensing some of the trials, the three individuals who conspired to go out there and steal his property faced a grand total, among the three of them, of 45 days in jail and \$400 in fines.

The individual who was defending his own property went through the process of plea bargaining and so on with his defence fund and his lawyers, looked at the situation, and made his own determination. I am not going to presuppose what the rationale was, but he pleaded guilty to one charge and the other charges were dropped. This particular individual was then sentenced to a total of 90 days in jail. So, for the defence of his own property, the individual, who did not follow or there was not clarity in the rules of the defence of property and in the laying of citizen's arrest and so on, ended up getting a

greater charge than those who conspired to go out and steal the property from this individual in the first place.

This offends the sensibilities of the voters I represent in the constituency of Wetaskiwin to no end. Without going into the details, were there mistakes made on both sides? Absolutely, there were some mistakes that were made. However, I want to put no doubt into anybody's mind that some serious changes needed to be made when it came to these charges.

In a previous career, prior to becoming a member of Parliament, I had the honour and privilege of serving as a law enforcement officer. I was not a police officer. I was a conservation officer, a national park warden, for a short time, so I do understand some of the nuances surrounding some of the difficulties that law enforcement officers face. We cannot be everywhere all the time. We cannot be there to serve the needs or to prevent all crimes all the time.

● (1315)

However, what has happened in our society and even though those who purport to say that crime rates are on the decrease, the reality is there is so much minor property crime going on, which I hear all the time in my constituency, that it simply becomes a matter that is more civil than criminal.

What normally would have happened is the individual, instead of taking matters into his own hands and pursuing the thief, doing what a good Canadian citizen should have done, and by the way, as a law enforcement officer, most of the serious charges that I laid did not come about as a result of any on the ground policing or patrols I was doing, they came as a result of information that I received from citizens reporting crimes, poachers and so on.

Police officers rely on the general public to have that information so that they can respond. They rely on the testimony of these individuals in order to lay charges because police cannot be everywhere all the time.

In this case, the individual responded and took the matters into his own hands, as a good citizen would do, knowing that the alternative would be to phone and wait for the police, knowing it would take 45 minutes to an hour at best, to respond if they had someone who could actually go to the scene.

All that would have happened is they would have filled out a report. The property owner would have then taken the report to his insurance company which would have taken off the deductible, and the individual would then be responsible for replacing the property out of his own tax dollars. The thieves would likely not have been caught and everyone's insurance premiums would have gone up slightly in order to compensate for this seemingly revolving situation of minor property theft. I hear this story all too often. It happens all of the time particularly when it comes to things like quads and recreational vehicles.

Being the good citizen that he was, my constituent pursued these individuals and as a result ended up in more trouble. What I really want to stress is the offence of the sensibilities of my constituents, but the clarification that we needed in this legislation. That is what happens in this case.

Government Orders

This legislation proposes several changes. One change is rather than, as the existing law states, a private citizen having to actually catch someone during the commission of the offence, he or she cannot lose touch with them. It means that if I am going to lay a citizen's arrest, I have to follow in hot pursuit. I cannot, under the current legislation, do anything other than catch someone in the commission of an offence or in pursuit of that person after witnessing a particular offence.

This leads us to the case where Mr. Chen knew that a person had come into his store several times and committed offences. It was great that he was acquitted, but the offence of the sensibilities of the Canadian citizens was that he was charged in the first place. That is what this legislation seeks to change and I believe there is support around the House to do that. That is a great thing.

The other change in the legislation is to clarify the defence of property which is now spread out over three or four sections in the Criminal Code. This change seeks to consolidate that information into something that is more clear.

I cannot stress enough how important it is that members of the House get behind this piece of legislation. I said it before and I will say it again, as a former law enforcement officer, I know all too well how much I depended, needed and relied upon information from the public. We rely on the public to serve law enforcement officers with the ability to have the information, to lay complaints, to lay charges with the extension of the protection of property and the clarification of the rules when it comes to individuals laying charges as private citizens for people who they know have committed an offence within recent history.

That is the language that will have to be tested, but it would only seem to make sense that it would be a natural extension of the vast majority of law-abiding Canadian citizens who would be comfortable assisting the RCMP, their local police department, or whatever local law enforcement agency they would happen to be working with by getting actively involved beyond just phoning the police or phoning Crime Stoppers, but actively engaging in that and assisting police. We know that the job is hard enough. We know there is enough out there that police officers face on a day to day basis. It only makes sense for society to have a more active and participative role in that.

• (1320)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I have had the opportunity to ask this question previously.

Without question, the issue of crime and safety is really important to my constituents in Winnipeg North. People want to feel safe in the communities in which they live. I made a commitment to bring my constituents' message to the floor of the House and to the Prime Minister and the government as a whole.

Bill C-26 has some merits. It has the potential to have a real impact on our streets.

The question I have is in regard to reasoned amendments. We believe that the bill needs some changes in order to make it a better bill that could ultimately receive support. Does the member believe that reasoned amendments would be a positive step and should be allowed to pass when the bill reaches committee stage?

Mr. Blaine Calkins: Mr. Speaker, I was a member of the justice and human rights committee at one point in time. I would simply suggest to my hon. colleague to put forward his suggestions if he has an opportunity to be present at committee, or if he is not a member of committee, then he could tell his colleagues. That is the stage in the legislative process where an amendment could be looked at and witnesses could be brought in to discuss the bill. I would encourage him to do that if he feels it is necessary.

However, looking at the original draft of the legislation, as I said earlier, there is some language in there that will likely face some tests should the bill pass, which I fully expect it will. If amendments are about reasonable limits on time or whatever the case might be, they should be made at committee stage. I encourage members to bring positive amendments forward if those amendments will serve the broader interests of the community at large and keep our streets and communities safer.

• (1325)

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, my colleague and I represent rural areas but, as has been said today, the bill is not just about rural areas, it is about Canada.

Rural areas are likely to experience longer timelines when it comes to law enforcement officers showing up after a crime has been committed.

I want to thank my colleague for his involvement as a former law enforcement officer prior to becoming a member of Parliament.

Some of the debate today has indicated that the bill would instigate vigilantism. I wonder if my colleague has any comments to make about whether the bill is really about driving vigilantism or about protecting our property wherever we live.

Mr. Blaine Calkins: Mr. Speaker, this is not about endorsing, promoting or somehow creating an environment where vigilantism is going to be the new norm. In fact, it is quite the opposite. I was very clear in my comments.

Law enforcement, whether it is the police, conservation officers, whomever, rely heavily on information and tips from the public. This is not news. This is not earth shattering. As I said earlier, some of the best charges that I ever laid, some of the best convictions that I ever had, were deservedly laid and individuals were deservedly found guilty, and they came to my attention as a result of tips that I received from the general public. It was not because of any particular sleuthing capability that I had as a law enforcement officer. I covered a vast territory and could not be everywhere at once.

I do not see this legislation really changing anything. I see this as simply a matter of clarifying the existing legislation about the abilities Canadian citizens have had for quite some time. The bill would broaden only the time when a citizen's arrest could happen by providing a reasonable timeframe after an offence has been committed, which simply broadens the spectrum of when a citizen's arrest could be made. It would not create a mass sense of vigilantism in the community. Most Canadians are not prepared for such a thing.

Government Orders

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, as this is the last occasion I am going to have to speak in the House before the break, I would like to wish you, the pages, my colleagues at both ends of the House and on the other side of the House a very merry Christmas and a happy new year.

[*Translation*]

I would like to wish the people of Nickel Belt a very merry Christmas and happy new year.

[*English*]

I would like to summarize Bill C-26. Bill C-26 amends subsection 494(2) of the Criminal Code dealing with citizen's arrest to provide greater flexibility. The changes would permit citizen's arrest without a warrant within a reasonable period. The key words are "reasonable period". Currently subsection 494(2) requires a citizen's arrest to occur while the offence is being committed. Sometimes that is impossible.

Bill C-26 also includes changes to the sections of the Criminal Code related to self-defence and defence of property. According to the government, these changes would bring much needed reforms to simplify the complex Criminal Code provisions on self-defence and defence of property. They would also clarify where reasonable use of force is permitted.

Since half of the bill proposes measures that the NDP member for Trinity—Spadina had previously called for, it follows that we would support this bill at least at second reading. This part of the bill amends subsection 494(2) of the Criminal Code dealing with citizen's arrest to permit arrest without warrants within a reasonable period. Again there is that term "a reasonable period".

The other half of the bill seeks to clarify sections of the Criminal Code pertaining to self-defence and defence of property. We support in principle improving language in legislation for the purpose of clarity, especially since the courts have indicated a problem with the lack of clarity. Further study will be needed to see if the bill does in fact clarify these sections, and the consequences of the clarifications are acceptable to us. This is the type of work we can do at committee stage.

Also, we would not be supportive of anything that would encourage vigilante justice or that would encourage people to put their own personal safety at risk. While that does not appear to be the purpose of this bill, we understand there are concerns about these matters in relation to citizen's arrest, self-defence and defence of property. Again, this is why we need to carefully study this bill at the committee stage.

I will provide some background on this bill. On May 23, 2009, David Chen, owner of the Lucky Moose Food Mart in Toronto, apprehended a man, Anthony Bennett, who had stolen from his store. Bennett was initially caught on security footage stealing from the store, and he returned an hour later. At that time, Chen, who was 36, and two employees tied up the man and locked him in the back of a delivery van.

When the police arrived, they charged Chen with kidnapping. It is hard to believe, but that is what they did. He was charged with kidnapping, carrying a dangerous weapon, a box cutter which most

grocery store workers would normally have on their person, assault and forcible confinement.

Most of the members who have spoken today have talked about an event that has happened to them personally. I would like to relate one of my own experiences. Someone stole two items from my shed. One of those items was my toolbox. I am not Tim the tool man by any stretch of the imagination, but I like to put up things in my house and to do some work. One of the jobs that I hate the most, and I do not know why I hate it, is putting up curtains.

When I went to my shed to get my power tools to put up curtains for my wife, my drill was gone. That could be good and that could be bad. It could be devastating because I had lost my power tool, but it could also be good because I hate putting up curtains. There is give and take. In this case I was kind of relieved, because I really do not like putting up curtains.

● (1330)

The other thing that was stolen was my golf bag. That can be devastating. I do not get the chance to golf very much any more, but I am sure everyone can imagine how I felt when I noticed that my golf bag was gone. That can hurt, especially when the golf clubs are in the bag. That is really bad, especially when it is 75° on a Saturday morning and my chums are going golfing and my golf bag and clubs are gone. That can be really painful, more painful than losing the power tools, although golf clubs are a tool also, a tool for enjoyment.

Returning to the case of Mr. Chen, the crown prosecutors dropped the kidnapping and weapons charges but proceeded with the charges of forceable confinement and assault.

According to the Criminal Code as it is currently written, a property owner can only make a citizen's arrest when the alleged wrongdoer is caught in the act.

In some cases that is okay, if it is a Walmart store, where there are security guards who can arrest people. However, the owners of corner stores cannot afford security guards. If they see somebody stealing their property, they have to take action.

On October 29, 2010, Mr. Chen and his two co-accused were found not guilty of the charges of forceable confinement and assault. Anthony Bennett pleaded guilty in August 2009 to stealing from the store and was sentenced to 30 days in jail, and rightfully so.

That case caused a lot of controversy. Some of it had to do with whether there was sufficient policing in the area.

My riding of Nickel Belt is huge. To go from Foleyet which is in the west to Garden Village which is in the east could take seven hours, and to go from Killarney in the south to Capreol in the north could take another four or five hours. We do not have policemen readily available 24/7, although we do have a fine police station and police officers. Because the territory is so big, it is difficult for a police officer to be at the scene of a crime within a few minutes. We have to take that into consideration.

Government Orders

I have only one minute left, so I will conclude by saying that we will support the bill at second reading. We want it to have careful consideration, which is code for not rushing it through. We want to hear from people who have practised criminal law. We want to hear from experts from the Department of Justice, the Canadian Bar Association and others. We need to examine the bill very carefully. Also, we should rely not just on ourselves but on the expertise of people who have analyzed these provisions, studied all the cases, and who can help us ensure that we are doing the right thing.

Having said that, we will support the bill at second reading, but we want it to be given extremely careful consideration at committee.

• (1335)

[*Translation*]

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, the personal stories shared during the debate were very interesting and very meaningful, and they illustrate various aspects of the bill. I would like to thank the hon. member for sharing his experience.

[*English*]

I have a specific issue. The member just noted that he would look forward to a variety of witnesses and a thorough discussion. I know he is aware that many members feel it is important that there could be amendments that would be respected and included.

One of the concerns that we in the Liberal Party have was laid out by the member for Mount Royal in his initial speech. It is that contrary to the earlier version of the bill, Bill C-26 adds the phrase “threat of force” to this part of the Criminal Code as being a legitimate basis for civilian action. “Threat of force” could be seen as quite subjective. It could be that this term overbroadens the bill to the point that we could have people putting themselves in harm's way.

I would like the member's comment on where his party stands on this issue of threat of force and what they may be proposing in that regard.

• (1340)

Mr. Claude Gravelle: Mr. Speaker, I would like to make one thing very clear: I am not a lawyer and I am not going to pretend that I am a lawyer. We have enough members in here already who are pretending to be lawyers.

As to the threat of violence, I would feel threatened if a much bigger person came along and threatened me. That is normal. However, I think we should leave that to the experts. That is why I said in my speech that we would consult with the experts. We should consult with lawyers and also with victims.

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, like my colleague who spoke before, I am not a lawyer, which often helps on the campaign trail, actually. That is my little gift to some of my colleagues here. I thought I would just throw that over there and see what we can get going here today.

I have had some experience in matters relating to policing, et cetera, during my stint as the Solicitor General in Ontario, so I am at least somewhat familiar with some of the issues that come up in criminal law and its enforcement.

I am sure this point has been mentioned before, but I find it interesting that our background notes point out that five of the

sections being looked at are from the original Criminal Code of 1892, which screams a couple of things. The first thing it screams is, “Wow, that's a long time for an original bill to still be here”. Second, it also says that there are obviously things in there that, albeit from two centuries ago, are still relevant. That says a lot. I tip my hat to our predecessors way back when and their skill at crafting criminal law that apparently has served Canadians fairly well.

It is interesting that this has become known as the Lucky Moose bill. The only moose reference I had was back when I was in Toronto in the Ontario legislature. There was a rather infamous Loose Moose, which was a whole different kind of scenario. It was a bar, and it probably had a lot of criminal aspects happening within its environs. I do not think I have ever been there, so I am on fairly safe ground, but nonetheless, the Lucky Moose bill it is.

I see my colleague has arrived. I am not sure if he would like me to shorten my remarks or just continue. I am covering his spot and I need some signals from him, because he knows that if he does not tell me to shut up, I will just keep on going.

Mr. Peter Julian: I am certainly enjoying the speech, but I would be pleased to take the floor.

Mr. David Christopherson: Mr. Speaker, I think the House is in for a real treat, because here is someone who has actually done a lot more preparation than I obviously have on this bill, and I am quite prepared to conclude my remarks to allow my colleague to give a more studied presentation.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, if you find unanimous consent, the previous member could continue his speech.

The Acting Speaker (Mr. Barry Devolin): Is there consent?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Barry Devolin): There is no consent.

Questions and comments? Seeing none, resuming debate, the hon. member for Burnaby—New Westminster.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I would like to thank my colleague, the member for Hamilton Centre, for bridging the gap between some of the other comments we have had in the House and my speech. Given the events of today, there are a lot of things going on, so I was a few minutes late and I apologize for that.

I appreciate my colleague across the way stating that he wanted to continue to hear the member for Hamilton Centre. He made that offer not just because the member for Hamilton Centre is very eloquent but also because he is well aware that I have risen in the House before, and will do so now, to comment very critically on the Conservative Party's so-called justice platform.

Government Orders

We have heard the member for St. John's East speak very eloquently to this particular bill. Its origin comes from the work of the member of Parliament for Trinity—Spadina. We need to pay tribute to her work, because she put in place many of the aspects of the legislation before us now. It was her constituent at the Lucky Moose Food Mart who was originally charged, so she raised the issue in an effort to clarify how owners of small businesses can protect themselves in this kind of circumstance. It is the member for Trinity—Spadina who put together the foundation of the bill.

The problem arises when we look beyond the bill itself. Although we will be supporting it at second reading, we see that many clauses have been inserted in addition to the work of the member for Trinity—Spadina. As the House knows, NDP members always do their homework. I am sure members have seen the figures showing that 71% of all of the bills before the House come from this caucus of very experienced veterans and very dynamic newcomers. It is by far the strongest caucus in the House. That is why the member for Trinity—Spadina was able to put forward this bill.

Unfortunately, because the Conservatives often write their justice policy on the back of a napkin, at committee we now have to look at the additional clauses that have been inserted, as we always do. We will be doing our homework. We will look at the impact of each one of these additional clauses thrown in by the Conservative government and make the practical and positive suggestions that we always have.

The question is whether the Conservatives will accept those positive suggestions. Time will tell.

However, when we get to the overall thrust of the so-called justice agenda of the Conservative government, we can see that we have very valid reasons to not have confidence in the government.

The Conservatives have put in place a massive unbudgeted prison program. They do not know where the money will come from. The provinces do not know where the money will come from. They wrote the bill out on the back of a napkin with no due regard for the consequences and brought forth one of the most expensive bills in Canadian history.

In addition, the Conservative government has cut back on crime prevention funding. It has to be completely disconnected from communities across this land to gut crime prevention programs that are actually the heart of investing in a smart foundation for building safer communities. That has always been something that the NDP has strongly advocated. The government cut away crime prevention and addiction programs at a time when those are exactly the tools that are needed to ensure that we do not have victims and that we continue to reduce the crime rate. Those are the kinds of measures that need to be taken.

Instead, the Conservative government has thrown in \$10 billion or \$12 billion—no one on that side even knows—toward building prisons, while gutting crime prevention and addiction programs. What is wrong with this picture? When we look at it, we cannot have confidence in the government to do what is right.

The Speaker well knows, because he has studied this issue even if his colleagues on the other side of the House have not, that from a fiscal point of view, every dollar invested in crime prevention and

addiction programs saves the taxpayer \$6 in policing costs, prison costs and court costs. It is \$1 for \$6.

• (1345)

Colleagues on the other side say, “We do not care; we just want to spend money on prisons”, but it cannot be an emotional thing. The Conservatives cannot be emotional. They have accepted that they have to think practically. They have to realize that gutting crime prevention and addiction programs is the worst possible thing they could do.

What else have the Conservatives done? Of course, they refused to keep their promise about hiring front-line police officers across the country. We are seeing all kinds of complications in pushing provinces away from agreements with the RCMP. Perhaps most egregious—and this is something I am going to take a moment to talk about, because I feel it very intensely, as do all colleagues on this side of the House—they have refused for five long years to put in place a public safety officer compensation fund.

It is true that was an NDP initiative. It was brought to the House by the NDP, and Conservative members voted for the public safety officer compensation fund. Since 2005, when they made the commitment to establish it, they have pushed off police officers and firefighters who have asked every single year, as their number one request of parliamentarians and government, for such a fund to be established. Why do they make that request? It is because when firefighters and police officers pass away, as they do every year, in some cases they are protected by existing insurance schemes or collective municipal or provincial legislation, but in many cases they are not.

I have spoken to families and I have seen what happens when insurance such as a public safety officer compensation fund is not in place. We are talking about the widows and widowers of firefighters and police officers potentially having to sell their homes. We are talking about children who were getting post-secondary education, but because their firefighter parent passed away saving lives—

Conservatives are laughing at what happens to the children of deceased firefighters and police officers. It is not a laughing matter. The sons and daughters of firefighters and police officers often have to stop their studies because when there is no insurance in place. Widows and widowers have to make sure somehow that food is kept on the table and the mortgage is paid.

For five long years they have been waiting. For five long years they have been telling Parliament the public safety officer compensation program needs to be put in place.

New Democrats are reiterating today that we stand 102 strong in favour of immediately putting in place a public safety officer compensation fund and ensuring that compensation exists when firefighters and police officers pass away in the line of duty. That is a commitment that we will continue to keep. It is a commitment that we stand for. We will continue to push the government to do the right thing.

We are not talking about something that is incredibly complicated. We are talking about a program that can be established for about \$3 million a year. As we know, there is a similar program in the United States already in place to provide that compensation.

Government Orders

Because the government has treated firefighters and police officers with such disrespect, New Democrats do not trust them on their legislation. As I said earlier, the fact is that Conservatives are willing to spend billions of dollars on a prison program, yet they refuse to provide firefighters and police officers with compensatory insurance and they have cut back on crime prevention and addiction programs. What is wrong with this picture?

When it comes to Bill C-26, there is a component that New Democrats support. I am willing to continue to speak if my Conservative colleagues want to continue to hear from me. This conversation has been good. I think they are finally learning that their justice policy is wrong and that they should be following the lead of the NDP. That is a good thing, and that is why New Democrats will support the bill at second reading. However, we are going to be doing our homework, and if these poison pills are put in the bill again, there will be fighting at committee.

• (1350)

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, after that intervention, we should start pumping more oxygen into the opposition lobby because something has the member clearly dazed and confused.

It is interesting, on a bill about citizen's arrest, the member has used the same speech as he has used on the last seven or eight bills. I think it was the same speech.

Does the member see the merit in the bill that is before the House, Bill C-26? Does he understand how citizens have a right to protect themselves and their businesses and why there is a need for justice in this case? Does he support the government measure?

• (1355)

Mr. Peter Julian: Mr. Speaker, a charitable view would be that the government members are dazed and confused if they think cutting back on crime prevention programs, cutting back on addiction programs and refusing to give firefighters and police officers compensation are in any way justice policies.

The reality is that the member knows that the heart of the bill came from the NDP. It came from the member for Trinity—Spadina. It is good that the Conservatives seek good ideas. I wish the Conservatives would adopt more of the good ideas coming from the NDP. The member knows we are putting them forward every day. There would not be 90,000 families unemployed if the Conservatives had taken the suggestions from the NDP. We would not have the highest debt load of Canadian families in history if they had taken the suggestions of the NDP. We would not have seen a real wage deduction of 2% if they had listened to the NDP.

I have a question for the member. Why do the Conservatives not listen to the NDP more often?

Ms. Joyce Murray (Vancouver Quadra, Lib.): Mr. Speaker, I enjoyed listening to the member speak to Bill C-10, for which he has not much respect and which we in the Liberal Party call the “more crime, less justice and spiralling costs” law. There is much I would say in agreement with the NDP member.

I want to return to Bill C-26 with my question. The member is probably well aware that on Tuesday a 30-year-old man in a Tim

Hortons restaurant in Vancouver was shot on the spot but managed to survive. It is possible that someone might have intervened to protect the person in that situation.

One of the controversial parts of Bill C-26 is the broadening of the allowance from just protecting one's own life to intervening to protect another person's life. In the situation I mentioned, we can see that it would have been a positive thing if someone had disarmed and held the shooter, but there is also a concern that it could lead to vigilantism.

I would like to hear the member's comments on that provision in the new law.

Mr. Peter Julian: Mr. Speaker, I will take the opportunity to wish the hon. member for Vancouver Quadra a merry Christmas and a happy new year.

The member's question is a valid one. That is why I said earlier that the heart of the bill comes from the member for Trinity—Spadina, who is a very strong community advocate and has been a very strong advocate on behalf of the businesses in her community in Toronto.

However, the original bill that was put forward by the member for Trinity—Spadina has been salted and the salting of additional clauses are what generally seems to transpire with the government.

We do not know where the Conservatives find these clauses. We certainly looked at some of the amateurism around Bill C-10. We have to say that this stuff must be done in some back room somewhere on the back of a napkin.

The reality is that, although we support the principle since the basis of this legislation comes from the NDP, we are concerned about the impact of a whole range of those clauses, including the clauses that the member for Vancouver Quadra just mentioned. Because of that, we will be going to committee, as we always do, doing our homework, having prepared the impact and ensuring we get the witnesses in who can really speak to the judicial impact of each one of these clauses.

In committee, we have had Conservatives routinely deny witnesses who have great expertise and could help to contribute and reinforce legislation. I certainly hope that does not happen again where the contempt for Parliament that we are seeing repeatedly from the Conservative government means that the committee cannot do its due diligence in looking at every aspect of this legislation, because it does need to be examined and every impact needs to be thoroughly studied. We also need to have due regard from all parties in this House to ensure that what comes out of committee does exactly what the government says that it intends to do.

*Statements by Members***STATEMENTS BY MEMBERS**

●(1400)

*[English]***2012 OLYMPIC GAMES**

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, it is seldom that we as members of Parliament have the privilege of personally knowing a young person who has qualified for the ultimate sport: the Olympic Games.

Canada has many of the best athletes in the world and in Lambton—Kent—Middlesex we are privileged to have yet another. Melanie McCann, from the small rural community of Mount Carmel, will be representing Canada during the 2012 Olympic Games to be held in London, England, in the modern pentathlon, which is five continuous events: fencing, swimming, equestrian riding, running and shooting.

We in this chamber are thankful to Melanie for her commitment and congratulate her on her achievement. We encourage her as she trains for the upcoming Olympics.

We in Lambton—Kent—Middlesex and across Canada are so very proud of Melanie and we wish her every success on her quest for gold.

* * *

*[Translation]***COMMUNITY SUPPORT ORGANIZATION IN LEMOYNE**

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Mr. Speaker, with the holiday season upon us, I would like to take a moment to extend my best wishes to the people of Saint-Lambert. May the new year be filled with peace, health and happiness.

The holiday season is the perfect time for everyone to get together with family and friends in order to celebrate the arrival of the new year. Thanks to the contributions of several community organizations in my riding, many people will be able to enjoy this time of joy and sharing more fully. In particular, I would like to commend the essential role of the Comité d'action populaire de Lemoynes, whose main goal—with the help of many volunteers—is to fight poverty in the community by taking steps to improve housing and food security.

At a time when so many people are having trouble making ends meet, I feel it is my duty to regularly call the attention of the House to the importance of community organizations and the need to provide them with stable funding over the next few years.

* * *

*[English]***2012 ONTARIO WINTER GAMES**

Ms. Kellie Leitch (Simcoe—Grey, CPC): Mr. Speaker, I am pleased to rise today in support of the 2012 Ontario Winter Games being hosted in the beautiful town of Collingwood in my riding of Simcoe—Grey.

The Ontario Winter Games, which are less than 100 days away, are a chance for over 2,000 young athletes from across Ontario to compete in 24 different sporting events.

[Translation]

Our Winter Games, which include everything from skiing to curling and hockey to snowboarding, are an excellent opportunity to see some of our province's best young athletes.

[English]

Recently, I had the opportunity to meet the chair of the Ontario Winter Games, former rowing Olympian and Collingwood resident Brian Saunderson, who kicked off the games and spoke about the important lessons that young athletes learn at these types of competitions. These games are, for some athletes, a stepping stone to the Olympics, and they promote healthy active living among young adults.

I am proud to be part of a government that supports Canadian athletes. I wish the town of Collingwood, Mayor Cooper and the over 2,000 athletes all the best in the Ontario Winter Games.

* * *

ZELMAN COWEN

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, I rise to honour the memory of the late Sir Zelman Cowen, former governor general of Australia, and one of the great jurists and leaders of the 20th century. A distinguished constitutional lawyer and academic, Cowen attended Oxford. As a Rhodes scholar, he became dean of law at Melbourne University and served as provost at Oriel College, Oxford.

A truly remarkable human being, his inspiring leadership as governor general helped unify Australia at a time of national division.

I met with Sir Zelman Cowen and his wife, Lady Anna, in the summer of 2010 and told him that he had always been a role model for me, as he had been to so many others in Australia and beyond. Indeed, I had the privilege of delivering the Sir Zelman Cowen Oration on International Affairs upon my first trip to Australia in 1998, which was a particularly moving experience for me.

My sincerest condolences to the family and friends of Sir Zelman Cowen. May they all be inspired by his memory and may that memory serve as a blessing.

*Statements by Members***GOVERNMENT OF CANADA**

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Speaker, today is the last day of Parliament and I want to highlight some of our great Canadian achievements in 2011: first, the shipbuilding contracts and jobs from coast to coast; second, the very successful visit of the Royal couple; third, legislation to end the discriminatory Wheat Board; fourth, legislation to end the wasteful long gun registry; fifth, out of Kyoto and into real environment solutions; sixth, creating jobs, jobs and more jobs to keep us the strongest economy and the best country in the world; seventh, the Winnipeg Jets return to the great city of Winnipeg; eighth, our brave men and women in uniform return from two very successful missions both in Libya and Afghanistan; and finally, Canadians elect a strong, stable, national Conservative government.

It has been a great year for our Conservative government and a great year for Canada. I wish all my friends, family, constituents and the great team that I work with merry Christmas, happy Hanukkah.

* * *

● (1405)

[Translation]

VALLÉE BRAS-DU-NORD CO-OPERATIVE

Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP): Mr. Speaker, Vallée Bras-du-Nord is a co-operative whose purpose is sustainable tourism development in Saint-Raymond. This social-economy co-operative has launched the En Marche project, a social and occupational integration program for young people that has developed and continues to maintain a network of walking trails.

In 2006, the co-op received a Quebec trail award from the Quebec hiking federation, which is a testament to the quality of the facilities and proof that young workers can carry out this type of project.

In the past few years, more than 100 young people in this rehabilitation program have worked on developing over 140 km of trails.

The project was funded by the skill links program and Emploi Québec, but in summer 2011, the skill links program reduced its funding. The co-operative was able to hire only four young workers, when it had hired a dozen or so in previous years. There were 20 young people on the waiting list.

The Vallée Bras-du-Nord co-op is known for having a positive influence on young people and it is imperative that its funding be restored—

The Speaker: Order, please. The hon. member for Saint Boniface.

* * *

[English]

DOREEN CHAMPAGNE AND HYACINTH COLOMB

Mrs. Shelly Glover (Saint Boniface, CPC): Mr. Speaker, I rise today to honour two very special people who, unfortunately, both passed away on Monday, December 12.

My beloved friend, Doreen Champagne, passed away at the Riverview Health Centre surrounded by friends and family after a courageous battle with cancer. She was known for her volunteer

work with the Boy Scouts from the 4th Winnipeg Group, including sewing neckerchiefs since the 1970s. She was also a regular blood donor and very active with her social club at 41 Clayton Drive. Her smile and warmth will be sadly missed by our community and her family.

I would also like to take a moment to remember Hyacinth Colomb, a 95-year-old elder and aboriginal leader from Pukatawagan. Throughout his life, he served his community as chief, band councillor and president of the Manitoba Trappers Association. He operated a trap line until he was 86 years old. Cree people deeply appreciated his wisdom and vast knowledge of their history, culture and traditions. He worked for Manitoba Conservation for more than 30 years and, in 2001, he was inducted into the Order of Manitoba recognizing his life of service to others.

I ask the House to join me in honouring the memories of both Hyacinth Colomb and Doreen Champagne. May they rest in peace.

* * *

TANZANIA

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, on December 9, I had the honour to represent Canada at Tanzania's 50th anniversary celebration in Dar es Salaam. I left Tanzania 34 years ago with my wife and eldest daughter to immigrate to Canada to start a new life. Tanzania will always have a place in my heart, as it is the land of my birth, where I studied and spent the early years of my life working as an air traffic controller.

East Africa, including Tanzania, remains imbedded in our hearts, and I had the honour and privilege to be strongly engaged in promoting strong relations between Canada and East Africa. I am happy to note that progress has been made in Tanzania since implementation of the multi-party democratic system. However, as President Kikwete said, "More needs to be done".

I wish the leadership and all Tanzanians at large the best in the next 50 years for the country to become prosperous and economically powerful under sustained peace and unity.

* * *

DAVID ROBERTSON

Mr. Dan Harris (Scarborough Southwest, NDP): Mr. Speaker, I stand today to remember a good friend and colleague, David Robertson, who passed away last Friday, December 9.

David Robertson served his community for decades in various capacities. He served as a councillor for 13 years on Etobicoke City Council. He worked in Premier Rae's correspondence department in the 1990s. We were Scarborough running mates in the 2006 federal and municipal campaigns and, more recently, David was my campaign manager in this year's federal election.

*Statements by Members***NEW DEMOCRATIC PARTY OF CANADA**

In addition to his many years of public service, David was a teacher who taught ESL programs to new Canadians, a job he was very passionate about, and helped to integrate thousands of new Canadians into our society.

I wish to offer my most sincere condolences, those of the New Democratic Party of Canada and her Majesty's Loyal Opposition to David's mother, Helen; his wife, Phoenix; their son, Long You; and sister, Joan.

I thank David for dedicating so much of his life to building a better Toronto, a better Ontario and a better Canada.

* * *

●(1410)

INTERNATIONAL TRADE

Mr. Randy Hoback (Prince Albert, CPC): Mr. Speaker, Canadians gave our Conservative government a strong mandate to stay focused on what matters: creating jobs and economic growth.

On Monday, the NDP said that it would vote against the Canada-Panama economic growth and prosperity act. Yesterday, when the Canada-Jordan economic growth and prosperity act was debated, the NDP trade critic said that the NDP had issues with the bill and suggested that the NDP would not move forward on this agreement.

The NDP streak of opposing trade continues. Our government will press forward with our pro-trade plan. These bills would create jobs and economic growth for Canadian workers and families.

Yesterday, the Minister of State for Sport was in Brampton highlighting the Canada-India trade negotiations. Today, the hard-working Minister of International Trade is at the WTO fighting protectionism and opening up new markets for Canadian workers.

With one in five Canadian jobs generated by trade, the NDP's anti-trade agenda is proof that it is simply unfit for Parliament.

* * *

LAW CLERK AND PARLIAMENTARY COUNSEL

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am honoured to rise in the House on behalf of the NDP to pay tribute to one of Parliament's most distinguished procedural officers, Robert R. Walsh. Since his appointment in 1999, Rob has carried out his duties as Law Clerk and Parliamentary Counsel with fortitude and expert knowledge.

I have had the honour to know Rob over the years and to appreciate his wisdom, integrity and fairness. We recall in particular, in 2009, his outstanding contribution to uphold the rights of MPs to disclosure of documents pertaining to Afghanistan detainees. He never wavered in providing advice and expert opinion to the House.

He has shown immense dedication to serve and support individual MPs. He has courageously defended the democratic mandate of this parliamentary institution, a true public servant in the most honourable sense.

I know I speak for members from all sides in giving sincerest thanks to Rob for his service to Canadian democracy, and wish him all the best in his retirement.

Mr. John Carmichael (Don Valley West, CPC): Mr. Speaker, the NDP has had quite a year of attacking Canada at home and abroad. Its members fought against good-paying union jobs in the energy sector. They have opposed tax measures that helped Canadian families. Instead they offer lavish spending schemes that would push Canada off track and from a return to balanced budgets and have offered a whole range of higher taxes.

The NDP leadership candidates have proposed tax hikes on job creators, on consumers, on investors, on families, on banks and even a carbon tax that would raise the price of gas, energy and almost everything people buy.

The NDP agenda will put the economic recovery at risk, cost hundreds of thousands of jobs and hurt Canadian families. Canadians cannot afford the ineffective, disunited NDP—

The Speaker: The hon. member is out of time.

The hon. member for Cape Breton—Canso.

* * *

GOVERNMENT OF CANADA

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):

Mr. Speaker, 'twas the week before Christmas and all over the Hill
The self-absorbed Tories were imposing their will
The stockings in Muskoka were stuffed to the brim
But life on first nations remained woefully grim.
And at the North Pole, Santa's problems abound
There was much work to do, but no workers around.
How can we do Christmas with no reindeer or elves?
The sleigh is a wreck, there are no toys on the shelves.
Costs have just spiralled, the elves threaten strike
They won't work this Christmas without a pay hike.
Federal money for deer feed and vets
Has just been refiled for big jails and jets.
Heartbroken children would spring from their beds
The first Christmas ever shut down by the feds.
No presents for Christmas, Tories felt the frustration
So they saddled the elves with back-to-work legislation.
No reindeer or sleigh can stop our roof-topper
Call Coast Guard and send in a Cormorant chopper.
The moral I share: Tories lack rhyme and reason
Nonetheless, all the best for a great Christmas season.

Oral Questions

●(1415)

RELIGIOUS FREEDOM

Ms. Candice Hooppner (Portage—Lisgar, CPC): Mr. Speaker, Canadians are concerned about crime and that is why they gave our government a strong mandate to keep our streets and communities safe. We have taken strong action on this file, specifically with the safe streets and communities act. However, we still see in our society ugly incidents of violence and discrimination based solely on an individual's race, colour or creed.

Violent attacks against synagogues, mosques and churches cannot be tolerated. That is why our government introduced the security infrastructure program in 2007, and that is why we extended it in the budget.

This program is important for cultural and religious communities to protect themselves from those who wish to harm them.

Today, the Minister of Public Safety has announced that we are now accepting applications for the next round of funding. I encourage any religious or cultural group that needs protection from racist or religious attack to bring forward an application.

As Canadians, we can all work together to protect important religious and cultural institutions from violence.

* * *

*[Translation]***GOVERNMENT OF CANADA**

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, it is official. The Conservative government has stopped pretending that it is open and transparent, and the Prime Minister's Office is bent more than ever on silencing anyone who dares to oppose it.

They have muzzled the backbenchers in the House.

The government would now like to hold committee meetings in camera.

I would like to remind members that, in 1995, this Prime Minister spoke out against in camera sessions when he stated, "In my opinion it is in the best interests of the public for the information to be readily available. It will affect who is elected. That will affect the quality of government."

He was right. It does affect the quality of government.

Illicit lobbying, a \$50 million slush fund, the use of military resources as a personal taxi—Canadians have seen it all, but the ministers remain unscathed.

In 1995, this Prime Minister came to Ottawa to change things, but Ottawa has changed him.

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*[English]***FOREIGN AFFAIRS**

Mr. Parm Gill (Brampton—Springdale, CPC): Mr. Speaker, the situation in Syria continues to deteriorate. Since October, we have been encouraging Canadians to leave Syria while commercial means are still available. However, with additional sanctions

imposed by the Arab League, reducing flights out of Damascus taking effect today, there may soon be fewer options to leave safely.

For this reason, today our government announced a voluntary evacuation for all Canadians from Syria. Over the next month, we will provide specialized consular assistance and an open express lane across government departments to help Canadians obtain the documentation they need to leave.

This is a difficult time for the people of Syria, as they face incredible hardship in their struggle for a brighter future. We urge Canadian citizens, their spouses and dependent children to apply for travel documents and ask that people with loved ones in Syria help us spread the message to loved ones back home. The time to leave Syria is now.

I would also like to take this opportunity to wish everyone a merry Christmas and happy new year.

ORAL QUESTIONS*[Translation]***GOVERNMENT OF CANADA**

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, the Conservatives will have a lot of explaining to do over the holidays. They will have to explain why they are forcing committees to sit in camera, why they spent \$50 million without Parliament's approval and why their Minister of National Defence is taking trips in search and rescue helicopters and staying in luxury hotels in Europe. Can the Prime Minister tell us whether he is going to make good resolutions and change this behaviour in 2012 or whether he feels that the Conservatives are above these laws?

●(1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, at this time of year in particular, we appreciate how lucky we are to be Canadian. One reason is that our government and our country have a very good track record in terms of job creation and growth, as compared to the other large, developed countries. These are our government's goals and we intend to continue to focus on the economy, growth and job creation.

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, in fact, at this time of year, the government also has the responsibility to answer questions, and its track record is not very good in that regard.

The Speaker: Order, please. We are experiencing technical difficulties with the simultaneous interpretation.

Is it working now?

Some hon. members: Yes.

The Speaker: The hon. Leader of the Opposition.

Mrs. Nycole Turmel: Mr. Speaker, I was saying that this time of year is also the time to look back and reflect, that it is important for the government to answer questions, and that the government's track record is not very good in that regard.

*Oral Questions**[English]*

The Prime Minister's Minister of National Defence charged taxpayers \$3,000 for just two nights in a hotel. His MPs hide their dirty tricks by forcing committees to meet in secret. His choice to run Treasury Board misdirected \$50 million into a slush fund.

Again, will the Prime Minister make a New Year's resolution to clean up his act in 2012?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I do not accept the assertions in that question at all.

What I have said is that at this time of year, in particular, we understand we are very lucky to be Canadian when we look around the world. This government is focused on the economy, on jobs, on economic growth. That is one of the reasons our country has one of the best records on those issues that matter to Canadians.

Those things will continue to be the focus of this government. That is why we were elected in 2011. They will continue to be the focus of this government in 2012.

* * *

*[Translation]***CANADA-U.S. BORDER**

Mrs. Nycole Turmel (Leader of the Opposition, NDP): Mr. Speaker, this government recently signed a border agreement that it had secretly negotiated with the United States. The Conservatives claim that this agreement will improve the flow of goods, but what they hid is that it will make travel more difficult. Eight border crossings across the country could disappear, and the opening hours of other crossings could be reduced. As usual, people in small communities will be forced to take long detours, and the local economies will certainly suffer. Could the Prime Minister explain the logic behind this decision?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, no such decision has been made. On the contrary, in this border plan with the United States, this government plans on investing more in our borders to improve the flow of goods and people.

[English]

While I am on my feet, if I do not happen to have this chance again, let me use this occasion to wish you, Mr. Speaker, and, through you, members of Parliament on all sides, a merry Christmas, a happy Hanukkah, and all the best for the holiday season.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, closing border crossings just makes matters worse. These crossings are the lifeblood of communities across the country. Why do the Conservatives not understand?

Details of the border deal negotiated behind closed doors are just leaking out now and it is not good news for border communities and their families. It turns out that part of the secret negotiations was looking at closing eight border crossings and reducing service at many more.

Why is the government shutting these crossings down? Why did it keep this secret for an entire year?

Ms. Candice Hoepfner (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, no decisions have been made regarding the draft report to which the member refers.

Our government is focused on ensuring that the shared border we have with the U.S. is secure, while also easing the flow of legitimate trade and travel. We are investing in our borders and we will continue to do so.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, we all want smoother border crossings, but the government is not helping when it is shutting down crossings completely.

The Prime Minister had a year to come clean on his plan to close border crossings and he did not. He had a year to be honest with Canadians and he was not. Instead, he chose silence in Parliament and a fancy photo op at the White House.

We see yet again, every time the Conservatives negotiate with Americans, Canadian families lose. Why are they selling out border communities yet again?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, I do not accept the premise of the question. No decisions in that regard have been made.

What is on the table is our desire, our hope, and our efforts to ensure that the border is not as thick as it has grown in recent years, so that we can have more people and more trade cross the border. That will be tremendously important to the auto worker in Windsor, so we could ensure that they will become the most competitive auto sector in the world.

Why will the member not stand up for auto workers in Windsor and stand up for our agreement with President Obama?

* * *

● (1425)

MINISTER OF NATIONAL DEFENCE

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, if the House will indulge me for a moment, I would like to pitch a new MasterCard ad: Joyride on a search and rescue helicopter: \$16,000. Staying in luxury hotels in Europe: \$1,400 per night. Endless grief by the Minister of National Defence for the Prime Minister: priceless.

I bet the Minister of National Defence is having his own “shiddle-diddle” moment. How does he explain these abuses of taxpayers' money and when will he reimburse taxpayers?

Hon. Peter MacKay (Minister of National Defence, CPC): Mr. Speaker, Canada has certainly earned its seat at the international table when it comes to discussions like we had at the Munich security conference. This conference was held in Germany.

Oral Questions

As to the expenses that the member is referring to, Canada books rooms at the same hotel where the conference takes place, where the majority of participants stay. Nation-to-nation meetings at conferences such as this advance the interests of Canada and advance the interests of the hard-working men and women who serve our country around the world. I was proud to represent Canada at that conference.

* * *

ABORIGINAL AFFAIRS

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, I understand the Minister of Aboriginal Affairs met with Chief Spence this afternoon, but he still stubbornly refuses to believe the advice of the Auditor General, his own departmental evaluations, and the Conservatives' previous aboriginal affairs minister. Third party management wreaks havoc across this country.

On Saturday, the leader of the Liberal Party of Canada and I will go to Attawapiskat. Given that the minister still does not get it, will he come and see first-hand what every Canadian is upset about? There is a seat on the plane—

Some hon. members: Oh, oh!

The Speaker: Order, please. The hon. government House leader.

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, Canadians want to see conditions on first nations reserves improved, and they want to see their tax dollars allocated for that purpose delivering results.

Today's meeting between the minister and the Attawapiskat chief represents a positive step forward. They have agreed together on a range of initiatives, including how best to deliver emergency aid, retrofit winter shelters, and assemble the 22 modular homes for those in precarious housing. These are all steps being taken by the federal government.

We will continue to work in good faith and full transparency, and we look forward to achieving results working together with the chief and council.

* * *

[Translation]

JUSTICE

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, is there a Minister of Intergovernmental Affairs in this Conservative government? If there is, let him or her rise and tell us why he or she was unable to prevent the government from hiding from the provinces the real cost of Bill C-10 to each of them. The bill is regressive, pointless and flawed, and will not reduce crime, but increase the huge, American-style, overpopulated prisons that are nothing more than expensive schools for crime.

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, the provinces are well aware of the costs associated with Bill C-10. Nevertheless, the opposition does not seem to understand the importance of the objective of Bill C-10. People who break the law will spend Christmas in jail and the victims will be protected. That has always been our objective and the cost is absolutely justified.

[English]

ABORIGINAL AFFAIRS

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, the minister's bumbling and confrontational approach to Attawapiskat just got worse. He had the chance to mend his broken relationship with the community and now they are going to court. His claim that they need a third party Indian agent to deliver homes that were already ordered just does not wash.

Attawapiskat is not looking for handouts. It is not looking for confrontation, and it certainly is not going to pay for a gold-plated warden who is sent there to punish the community for having the nerve to speak up.

Why does the government continue to use the tactics of confrontation against this impoverished community?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, my read of today's meeting is that it was a positive and constructive event, a good step forward. We look forward to seeing more co-operation.

As I said, our priority is the health and safety of the people of Attawapiskat. Canadians have allocated, through their government, significant tax dollars for things they want to see. They want to see improvements to the conditions there and they want to see results for their tax dollars.

The third party manager is already in place. We see results being delivered as a result. We see good progress on agreements with the band and the council. We are acting in good faith and full transparency. We hope that the chief and the council will continue to do the same.

● (1430)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, Attawapiskat did not just happen. It was years in the making, just as it is happening in first nations reserves across this country. The first thing the government did when it took power was to slash the capital funding for houses on first nations reserves by over half, and it has no intention of restoring funding. That is why the crisis is happening.

The government can punish Attawapiskat. It can fight it in court. However, does it understand that no amount of third party Indian agent is going to silence the call for justice and respect from Canada's first nations?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, since we became the government, \$1.5 billion has been allocated for housing.

As I have said, Canadians want to see conditions on first nations reserves improve. They want to see results delivered for those tax dollars. In fact, on a great many reserves all across this country, we have seen very positive results.

Sadly, as the member observes, in some places that has not happened. That is why we are working harder and stronger going forward to improve the problems and the failures of the past. We will continue to work together with willing partners.

I would point members to the joint action plan which the minister has signed with the Assembly of First Nations, laying out a road map on our shared priorities. These all represent positive steps forward.

* * *

THE ECONOMY

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, yesterday the Minister of Finance said in this House that he is not a magic money fairy. I think the facts disagree.

He has Conservative magic money for untendered and expensive F-35 fighter jets that have tripled in cost since the beginning and will now cost about \$20 billion.

He has billions of dollars of Conservative pixie dust to sprinkle on unbudgeted prisons.

He has Conservative magic money for massive corporate tax cuts to banks and big oil.

He has magic money for his friends.

The question is, will he stop sprinkling magic money on his friends and start investing in Canadian families?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I do not know why the hon. member casts aspersions on fairies.

Despite this casting of aspersions on fairies, I do wish the hon. member merry Christmas from all elves and trolls, wherever we are.

We are fortunate that Canada's economy is doing relatively well in what is a challenging world. Canadians can remain assured that we will focus on jobs and the economy.

[Translation]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, 90,000 additional unemployed people is not good news.

This year, his department's fiscal reference tables are very clear. For 20 years, the figures have shown that NDP governments are better money managers than Conservative governments. That is because we invest in job creation instead of spending and wasting money on gazebos, presents and tax gifts to our friends.

Instead of sprinkling pixie dust on its friends, will it now invest in Canadian families?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, of course, that is precisely what we have been doing, investing in jobs and the economy, with very good results. The IMF and the OECD predict that Canada will have the strongest economic growth, not only this year but next year. We have job creation, almost 600,000 net new jobs, mostly full-time and mostly in the private sector.

The three large credit rating agencies have looked at Canada in the past few months. All three of them have renewed Canada's AAA credit rating. Canadians can have confidence that we will remain focused on jobs and the economy in the coming year.

Oral Questions

PENSIONS

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, speaking of results, many Canadians are worried about their retirement. One-third will not even have enough savings to retire and the voluntary options available today are clearly not good enough. This is not the time for another Conservative half-measure. The New Democrat plan to enhance the CPP is reasonable. It offers real retirement security to Canadian workers and their families.

Will the government support our sensible plan to expand the CPP at the first ministers and financial ministers meeting next week?

● (1435)

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, we actually do have a plan that is supported by all of the provinces. We have met with all of the provinces. They are our partners in pensions. We all understand that. We have consulted with them. We have put forward a plan that is offered by the private sector. It is low-cost and is very well received all across this country.

We have actually put out the tax measures involved in this for public consultation. I would encourage hon. members to be part of that consultation. We will be moving forward with a pension plan that many—

The Speaker: The hon. member for Marc-Aurèle-Fortin.

[Translation]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, I am forced to contradict the minister. The provinces support our plan, Canadians support our plan, experts support our plan and the Canadian Association of Retired Persons also supports our plan.

This week, they all asked the government to revisit the Canada pension plan at the finance ministers' meeting. The government prefers to gamble with Canadians' money instead of focusing on one secure plan, the Canada pension plan.

Why does this government continue to ignore the demands of Canadians and listen solely to its friends in high finance?

[English]

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, I personally have consulted with a tremendous number of Canadians. I have consulted with every finance minister across this country.

Mr. David Christopherson: How about real people?

Hon. Ted Menzies: They are real people.

I have consulted with many real people, not only those who are retired but those who are looking at retirement someday, and 60% of Canadians in the workforce who do not have pension plans have asked us if we can provide a pension plan that they can be part of. They can. They can be part of a pooled registered pension plan and they are excited about seeing it come forward.

Oral Questions

[Translation]

NATIONAL DEFENCE

Ms. Christine Moore (Abitibi—Témiscamingue, NDP): Mr. Speaker, the Conservatives are going to pay an additional \$35 million to Washington for research and development of the F-35s. The Canadian government just hands over the money without asking any questions or demanding any guarantees.

In April, the Prime Minister told us we would not be charged for any costs related to research and development.

With all the concerns raised over the F-35s, why did the Associate Minister of National Defence not take this opportunity to get answers to address these concerns and get some guarantees?

[English]

Hon. Julian Fantino (Associate Minister of National Defence, CPC): Mr. Speaker, the development phase of the F-35 program continues with our partners. The issues that are being talked about of recent date are being addressed as we speak. The U.S. is committed, as are other countries. We remain fixed on our choice. It is a good choice for our men and women, for the future, and for taxpayers in this country.

Mr. Matthew Kellway (Beaches—East York, NDP): Mr. Speaker, it is simple. When it misleads Canadians, the government must take responsibility.

In April the Prime Minister said, “We are sheltered from research and development costs”. Today we learned that Canadians are on the hook for another \$35 million to subsidize Lockheed Martin's R and D. Millions more, delay after delay, and there is no end in sight.

In this season of giving, will the associate minister give us the gift of accountability and acknowledge that he has been misleading the House?

Hon. Julian Fantino (Associate Minister of National Defence, CPC): Mr. Speaker, I feel a sense of duty to point out to the member opposite that this is the Christmas season, not the silly season.

However, we are working with our allies and continue to work to reduce costs. A joint strike fighter partnership agreement ensures that we are guaranteed to pay the lowest possible price, the same price that the United States is paying. As well, our delivery will not be for years hence, at which point there will be a very fine price for us.

* * *

[Translation]

JUSTICE

Ms. Charmaine Borg (Terrebonne—Blainville, NDP): Mr. Speaker, when it comes to defence and justice, this government does not know how to count. Their estimates for Bill C-10 are unbelievable. The government claims that the cost of its omnibus crime bill is \$80 million over five years, but last March, it was estimated that the young offender provisions alone would cost 10 times more.

Are the Conservatives going to learn how to count before sending the bill to the provinces?

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, in the summer, our government gave

Canadians a gift. We introduced Bill C-10 in order to protect them, and all Canadians will benefit. The cost of crime is roughly \$99.6 billion and 83% of that cost is absorbed by the victims. We stand by the victims. The members opposite stand by the accused. Merry Christmas.

* * *

● (1440)

[English]

GOVERNMENT ACCOUNTABILITY

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, the government has used or abused free speech with respect to justifying what has been characterized as reprehensible actions, but it has limited free speech with regard to the frequency of in camera committee meetings.

May I, in the spirit of the Christmas season, suggest to the government that it reverse priorities, namely, that it cease and desist from reprehensible actions and protect free speech and parliamentary democracy?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, we are very proud of the fall session in which we have been delivering on the commitments that we made to Canadians at the same time as ensuring that debate occurred and decisions were made.

One of the things that we see when we compare Canada with other countries is we have a strong economy. If we look at the United States or at Europe, one of the problems is political gridlock. Decisions cannot get made.

Here in Canada we will continue to make decisions in the best interests of Canadians on the economy and on tackling crime. We will allow debate to occur, but we will not allow the political gridlock that the other parties want to see put in place here.

[Translation]

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, the government started by refusing to disclose the cost of its crime bill, especially the cost that the provinces will have to cover. Then it refused to disclose the real cost of each fighter plane. Now, it is holding more in camera meetings.

Does the government not believe in transparency?

[English]

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, our government has an unprecedented commitment to transparency and openness reflected in the statutes that we have passed to ensure accountability.

Some hon. members: Oh, oh!

The Speaker: Order, order. The hon. government House leader has the floor.

Hon. Peter Van Loan: However, the most important part of accountability is elections.

Canadians went to the last election, at the request of the opposition, to answer questions like these: did they like our budget, did they like our economic action plan, did they like our tackling crime plan, did they want us to put them in place, and guess what? They gave us a strong mandate to do exactly those things. We are delivering on those commitments. We are doing what we told Canadians we would do.

* * *

HUMAN RIGHTS

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, Egyptian blogger Maikel Nabil is one of the first political prisoners of the post-Mubarak era, convicted on trumped-up charges of insulting the Egyptian military. He had his conviction upheld yesterday at an oft-postponed hearing, after he earlier rejected an offer of freedom in exchange for a confession for “his alleged criminality”.

Given that Nabil is now in the 115th day of a hunger strike in protest both of the injustice of the Egyptian military tribunal and the injustice of his conviction, what measures are being undertaken by the Canadian government to help secure his immediate release?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, I share the member for Mount Royal's deep concern about this situation in Egypt.

When the member brought it to my attention, within a matter of hours we were in contact with the Egyptian ambassador. I met with him last week and expressed Canada's deep disappointment and real profound concern over the way this democracy activist had been treated. We demanded that this individual be let free and treated fairly in accordance with international standards of freedom and democracy.

As of yet, we have not had a positive response, and we will continue to look to ensure that justice is done in this case.

* * *

[Translation]

EMPLOYMENT

Mr. Claude Patry (Jonquière—Alma, NDP): Mr. Speaker, the end of the year has been devastating for employment in Quebec: 150 workers at Resolute Forest Products in Kénogami have lost their jobs with Christmas just around the corner, and now aluminum workers are fearing the worst. At Rio Tinto Alcan in Alma, workers voted to give their union a strike mandate in order to stop the company from outsourcing some jobs.

Will this government realize that Quebec and the rest of Canada are in the middle of an employment crisis? Will it finally come up with a real job creation plan?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the member opposite talks about job creation. The record and the facts speak for themselves.

Canada has the best job creation record of any country in the G7, of any major industrialized country in the world. This is verified outside Canada by international organizations. We are proud of the fact that Canadians have been able to create those jobs, helped by

Oral Questions

government policy over the course of time, since the end of the recession in July 2009.

• (1445)

[Translation]

Mr. Raymond Côté (Beauport—Limoilou, NDP): Mr. Speaker, that is not the only concern of workers in Kénogami. Really, it is the complete hemorrhage of the pulp and paper industry. Some 600 workers at White Birch Paper in Quebec City are without work, because the plant shut down. Pensioners from those plants will not be spared, for they will not be able to access their full pensions. These workers deserve to retire with dignity. The NDP bill would give them their full pensions.

Does this government plan to change the legislation to protect these workers' pension benefits?

[English]

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, certainly we are concerned and empathetic with people who are in a situation where they are being laid off, especially at this time of year. That is why we have been working, along with the Minister of Industry who looks after this file, to make sure that we put in place protection for those pensions.

We actually brought forward legislation just last year to make sure those pensions were as fully funded as they could be in case there was a bankruptcy, as protection against bankruptcy.

[Translation]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, today, families in the Lower St. Lawrence and the Gaspé are concerned, and with good reason. Nearly 600 workers at four Cedrico lumber plants may lose their jobs because the company is experiencing financial difficulty. A thousand indirect jobs are also threatened.

This is yet more proof of the Conservative government's inaction, more proof that they are not doing anything to create or maintain jobs in the regions. I remember that in 2008, at the height of the forestry and economic crises, the government gave \$10 billion to the automotive industry while it gave only crumbs to the forestry industry.

What is this out-of-touch government waiting for to take action and revive the forestry industry in Quebec and in Canada?

Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services, for Official Languages and for the Economic Development Agency for the Regions of Quebec, CPC): Mr. Speaker, our government is aware of the problems communities and workers affected by the forestry crisis are experiencing, particularly at this time of year. That is why our government is continuing to support the workers and communities affected by the forestry crisis in Quebec and Canada. Thanks to our government, concrete initiatives have been put in place: \$100 million to create jobs and increase economic activity, including \$20 million for silvicultural work.

Oral Questions

Mrs. Anne-Marie Day (Charlesbourg—Haute-Saint-Charles, NDP): Mr. Speaker, as the holidays approach, the bad news about the economy keeps piling up. Every day, more plant closures and mass layoffs are being announced. We have now learned that next year the Canadian economy will slow markedly and the unemployment rate may reach 8%.

What is the government doing? It is sitting back and waiting. It is reducing employment insurance services. Why is this government abandoning Canadians? My Christmas wish is for those who will not have any presents under the tree this year.

[*English*]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, I do not know where the hon. member is getting her information. In fact, Canada's economy is expected to grow modestly next year. It is expected to grow as one of the strong economies in the G7. That is what the OECD, the IMF and the rating agencies say. Fitch, which just reconfirmed Canada's rating of AAA, said:

[T]he Canadian government's demonstrated ability to put forth a credible long-term fiscal consolidation plan provides critical support for the country's 'AAA' rating. The government's commitment to eliminate the federal budget deficit...puts Canada ahead of other peers rated 'AAA'.

We are doing relatively well.

* * *

FOREIGN AFFAIRS

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Mr. Speaker, as we already heard in the House today, the deteriorating situation in Syria and sanctions being imposed on Syria by the Arab League will have a significant impact on commercial air transport. Canadians wishing to leave Syria may therefore find it increasingly difficult to make air travel arrangements if the security situation continues to deteriorate.

Given the gravity of the situation, would the Minister of Foreign Affairs please tell this House about the steps we are taking to assist Canadians leaving Syria for the sake of their own safety?

Hon. John Baird (Minister of Foreign Affairs, CPC): Mr. Speaker, since October, our government has been encouraging Canadians in Syria to voluntarily leave while commercial means are still available, but we are tremendously concerned about the deteriorating situation, the violence in Syria, so today we declared a voluntary evacuation of all Canadians.

As part of this declaration, we will provide facilitated services and specialized consular support. Our team in Damascus and our embassy are available to assist Canadians in Syria, their spouses and dependent children. We encourage them to get out as soon as possible.

This government, this House and the Canadian people stand behind the people of Syria at this time of need. We will do everything we can to ensure that they achieve the same democracy and freedom that is spreading around that region and that we enjoy here in Canada.

• (1450)

SEARCH AND RESCUE

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, another example of the Conservatives' penny-wise and pound foolish management has come to light.

Despite just having signed a long-term lease, the government has decided to shut down the Coast Guard office in Inuvik, the office for the Beaufort Sea and the western Arctic Ocean. The Coast Guard workers have to move to Iqaluit on the other side of the country or lose their jobs. This means increased costs for relocation, as well as the disruption of the lives of these workers.

How can the government say that it is a good financial manager when it makes decisions like this?

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, this consolidation will have no service impact to mariners relating to the provisions of safety, communications and navigational warnings to ships at sea. Mariners will get the same level of service that they are getting today.

Most of the impacted staff are not, in fact, residents of the north. The CCG will be working with them to address impacts of the consolidation.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, this poor management will mean that mariners in the western Arctic will have to rely on the Coast Guard office in Iqaluit, nearly 3,000 kilometres and three time zones away. This is at a time when marine traffic is expected to increase in the Beaufort Sea and on the Mackenzie River. Despite having signed a long-term lease and the increased costs of relocating staff, the government is blundering ahead with a move that puts mariners at risk.

Is this the government's plan for Arctic sovereignty—to reduce service for northerners to help a single budget line?

Hon. Keith Ashfield (Minister of Fisheries and Oceans and Minister for the Atlantic Gateway, CPC): Mr. Speaker, with today's technology, it will have no impact on the safety and the concerns of mariners. In fact, concentrating all marine communications and traffic services into one Arctic centre allows for higher flexibility for the Coast Guard to respond to Arctic shipping demands.

* * *

[*Translation*]

TRANSPORTATION OF DANGEROUS GOODS

Ms. Isabelle Morin (Notre-Dame-de-Grâce—Lachine, NDP): Mr. Speaker, we learned this week that the Conservative government is absolutely incapable of managing the transport of dangerous goods. The facts are alarming: inspectors report problems, but there is no follow-up to ensure that the problems are fixed. A number of companies are operating with temporary permits—some of them for over 10 years. These problems are the same ones that were identified five years ago, but the government is not taking action.

When will the government address these dangerous problems?

Oral Questions

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, I thank the hon. member for her question.

Transport Canada accepts the recommendation made by the Commissioner of the Environment and Sustainable Development. We are taking the recommendations and conclusions of the audit very seriously. We will implement a rigorous action plan in order to correct this situation.

Mr. Jamie Nicholls (Vaudreuil—Soulanges, NDP): Mr. Speaker, I hope that Santa will at least bring the Conservatives a new tape for the new year.

Every week, on average, there are two accidents involving the transportation of dangerous goods, but once again the Conservative government is not taking these risks seriously. Its inability to take action is endangering transportation workers, first responders and our communities.

How many more years will we have to wait for the government to fulfill its obligations?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, speaking of new tapes, I note that the hon. member has just asked exactly the same question as his colleague.

The program we implemented for the transportation of dangerous goods works very well. Over 30 million shipments of dangerous goods are carried out every year in Canada, and 99.9999% of them are carried out without incident. Our success rate is huge, but we will follow the recommendations to improve the situation.

* * *

[English]

FOREIGN AFFAIRS

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, Canadians travelling abroad this holiday season should know they will be abandoned if they run into any problems. Their government will not speak up for them. Their government will not defend their rights. Just ask Philip Halliday, who has been in a Spanish prison for two years waiting to clear his name, or Hank Tepper, who has been in jail in Lebanon for the past nine months over a commercial dispute.

Why is the neo-conservative government doing nothing to help? Why has it abandoned Phillip and Hank? Why will it not bring them home for Christmas?

• (1455)

Hon. Diane Ablonczy (Minister of State of Foreign Affairs (Americas and Consular Affairs), CPC): Mr. Speaker, we have consular officials working in over 150 countries to assist Canadians when they are in distress abroad. For the member at this time of year to so wrongfully and unfairly smear them is just beyond belief. I ask the member to withdraw that kind of language.

EMPLOYMENT INSURANCE

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, while the five-star Minister of National Defence jets around the world, staying in hotel rooms that cost \$1,400 a night, Canadian families are struggling. There will be no champagne breakfast for Newfoundland and Labrador families hit hard by the loss of jobs.

As we head into Christmas and there is a massive backlog for employment insurance, will the government finally help ordinary families? Since taxpayers have to foot the bill for luxury hotels, will the government help ordinary families and ensure that parents do not have to tell their children there will not be a Santa this Christmas?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, for those who have made applications for employment insurance because they have lost their jobs due to circumstances beyond their control, we are trying to ensure that they get those benefits just as quickly as possible. We understand that at this time of year it is even harder for them to deal with day-to-day expenses. That is why we are putting extra resources to process these claims. We do that every year and we are doing it this year.

* * *

[Translation]

AFFORDABLE HOUSING

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, 620,000 families in Canada depend on social housing. These families live in precarious situations. Paying higher rent means that they will have to shut off the heating or skip meals.

The agreements between the government and social housing managers will soon expire. Uncertainty is not an option for these families in need.

When, and I do mean when, will the government protect the most vulnerable Canadians and announce that these agreements have been renewed?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we set aside money for affordable housing a few years ago. We even added more than \$1 billion to our economic action plan specifically for affordable housing. This allowed us to create 14,000 projects to improve, renovate and build housing. Unfortunately the NDP voted against all these initiatives.

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Mr. Speaker, the minister did not answer the question about renewing social housing agreements. I will put the question in a different way.

This government spends billions on its friends in big business while spending on social housing does not keep up with inflation or population growth.

Oral Questions

In my riding of Chicoutimi—Le Fjord, more than 875 families spend more than 80% of their income on rent. How are they supposed to make ends meet? These families will spend another Christmas not knowing what is going to happen. Why does this government not give them a break by renewing the long-term management agreements for social housing?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, the NDP should try to support our efforts to help people who need affordable housing. The NDP voted against tax credits for first-time home buyers. They voted against our economic action plan, which provided money for affordable housing for aboriginal people, seniors and the disabled. They voted against these measures.

* * *

[English]

NEWFOUNDLAND AND LABRADOR

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Mr. Speaker, Newfoundlanders and Labradorians received a lump of coal from the interim Liberal leader this week when he forgot their province was actually part of Canada. He wrote a letter to his supporters saying that daylight broke over Peggy's Cove, Nova Scotia and began its journey across the country.

Conservatives know that Peggy's Cove is 1,100 kilometres west of St. John's, the most eastern city in this country. Can the minister responsible for Newfoundland and Labrador please inform the Liberal leader that his province is part of Canada and that our government is committed to delivering for them?

• (1500)

Hon. Peter Penashue (Minister of Intergovernmental Affairs and President of the Queen's Privy Council for Canada, CPC): Mr. Speaker, I find it quite troubling and disappointing to see that the Liberal leader's Canada does not include the province of Newfoundland and Labrador. Fortunately for the people of Newfoundland and Labrador, our government will remain committed to addressing their issues like the lower Churchill loan guarantee and the useless gun registry.

Our government will continue to stand up for the interests of all Canadians, including those in Newfoundland and Labrador.

* * *

CITIZENSHIP AND IMMIGRATION

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, in November, the government announced a program to help foreign Ph. D. students stay in Canada if they choose. Yet Fatemeh Kamkar, a Ph.D. student in medicine at the University of Ottawa, has been denied permanent residence because of health reasons. However, she is covering her medical costs and 97% of the people who follow the treatment she is having end up well and not needing surgery.

Will the Minister of Citizenship, Immigration and Multiculturalism agree to look at the matter, use his discretion to grant her permanent residence, and ensure that there is cohesion between the program's announcement and its implementation?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, one thing I will not agree to

do is to violate the Privacy Act by discussing personal cases here on the floor of the House of Commons without the consent of the individual.

The member has been here for a while. He should know that the appropriate way to raise individual immigration case files is directly with my officials, my office or me, not in a public forum that invites violation of the Privacy Act. He ought to know that. He also ought to know about the provisions of medical inadmissibility. After all, they were brought into law under the previous Liberal government in the Immigration and Refugee Protection Act.

* * *

[Translation]

CANADA POST CORPORATION

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Mr. Speaker, post offices all over Quebec are going to have to reduce their opening hours. Because our province is being unfairly targeted by the government's cuts, communities are going to lose essential services and an important economic development tool. For instance, the Ancienne-Lorette post office in my riding is under threat of closure.

Families and seniors will have to travel a lot further to get to a post office, which might be closed when they arrive.

And this government continues to claim that it is looking after the regions.

Will the minister reverse his decision and guarantee that postal services across Quebec are maintained?

[English]

Hon. Steven Fletcher (Minister of State (Transport), CPC): Mr. Speaker, the fact is that our government is committed to high quality, universal and affordable postal service. Canada Post is proposing to move the post office in the member's riding about two kilometres away to a new outlet. This is due to structural issues with the current outlet. However, there is still a postal outlet within 235 metres of the outlet that is going to be reconstructed.

It is very reasonable and there will be no job losses, unlike what the member suggested.

Have a merry Christmas.

* * *

GOVERNMENT OF CANADA

Mr. Ed Holder (London West, CPC): Mr. Speaker, it is now the end of a dynamic session of Parliament. We have had some intense dialogues, frankly, some more colourful than others. My Cape Breton mother used to say about politics, "After it's all said and done, there's a lot more said than done".

However, that is not the case during this session of Parliament. I would appreciate, as we depart, if the government House leader would remind us all of some of the key outcomes achieved during this sitting of Parliament.

Business of the House

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, our government made commitments to Canadians. We have an obligation to deliver on those commitments, to focus on economic growth, job creation and tackling crime. Canadians expect us to do our jobs here and make decisions on the issues before us. That is exactly what we have done.

We have passed important economic measures in the keeping Canada's economy and jobs growing act. We also have passed a bill to move every province closer to the principle of representation by population. Finally, we have given western Canadian grain farmers the freedom they have longed for, for so long. Canadians can count on our government to make decisions, move forward and get things done.

* * *

● (1505)

RAIL TRANSPORTATION

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, one of the things we would like for Christmas on Vancouver Island was not on the House leader's list. We would like our passenger rail service back. Four months ago, this service came to a halt. I last asked the government in November when it would commit to its share of funding for this rail bed repair. Still I received no answer. Traffic in my riding is already at a gridlock state and when the shipbuilding begins, we need alternatives for commuters and freight.

Will the government now commit to funding its share of the necessary repairs for the E&N railway corridor and to getting this project under way, or will it continue to risk delays in shipbuilding because of growing congestion outside the shipyard gates?

Hon. Steven Fletcher (Minister of State (Transport), CPC): Mr. Speaker, I would like to point out that VIA Rail provides excellent service from coast to coast. Certainly during the holiday season and the summer, I would encourage people to book their VIA Rail trip and enjoy this great country.

In regard to the member's riding, VIA Rail service between Victoria and Courtenay is also paralleled by bus service and road service so people can get from point A to point B.

We are continuing to reflect on the infrastructure requirements.

* * *

[Translation]

GOVERNMENT OF CANADA

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, the list of federal decisions that go against the interests of Quebec is so long that I did not have time to finish it yesterday. I will continue today: \$8 billion in cuts annually, including \$60 million at Human Resources and \$7 million at Economic Development for which we do not have any details; astronomical spending on war planes; the creation of a Canada-wide securities commission; the inclusion of supply management in international trade agreements; the reduction in rural postal services. I could go on, but the session is wrapping up.

If the government thinks this was a good fall for Quebec, as the Minister of Veterans Affairs claims, then I would hate to see a bad fall.

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, nothing could be further from the truth. We have a record of accomplishments on major files. We made promises and we kept our word. We settled the sales tax harmonization and announced a plan for rebuilding the Champlain Bridge. Just before the election, we concluded the Old Harry offshore oil and natural gas deposit agreement. These are decisions that had been dragging on for decades, and things certainly would not have moved forward with the Bloc Québécois. That is why they are at the back of the House.

* * *

[English]

BUSINESS OF THE HOUSE

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I am very pleased to say that I know exactly what the parliamentary schedule is for the remainder of this week and for the next few as well. I am pleased that we will all be able to get back to our ridings to work on behalf of our constituents, to celebrate Christmas and the holidays with our family and friends and to reflect on the work we do here on behalf of all Canadians, particularly those who are having a hard time making ends meet this holiday season.

Today I would like to extend wishes for a merry Christmas and happy holidays and to offer a very big thanks to everyone in and around the House of Commons.

Of course, that includes my colleagues on all sides of the House and all of our staff, who make us look good most of the time.

Canadians watching at home might not realize it, but there is a huge network of talented and professional staff who work tirelessly to make this place run like clockwork.

First is you, Mr. Speaker, and your staff, along with the unbelievably helpful procedural experts in the clerks' offices, the table, the journals branch, the committee directorate staff, the Library of Parliament staff and, of course, all of the incredible pages.

There is the Sergeant-at-Arms and everyone from security, as well as traffic operations, the drivers of our green buses, dispatch operators, mail room staff and messengers.

There is the cafeteria staff and all the food services and catering team.

There is the maintenance staff, the tradespeople in the Parliamentary precinct, materiel management and room allocation.

There is everyone in information services, including telecom, ISSI, printing services and the broadcasting team.

Points of Order

There are the people who deal with HR, finance, travel and pay and benefits.

There are the folks who document all our words at *Hansard* and those who translate and interpret them from one official language to the other.

Finally, I would like to pay special tribute to three valuable members of the team in the Parliamentary Precinct who will not be returning with us in January when the House resumes sitting: Law Clerk and Parliamentary Counsel Rob Walsh, Parliamentary Librarian Bill Young and Danielle Lemieux-Lessard in the private members' business and petitions office.

I thank you, Mr. Speaker, and everyone who works so hard in this place. I wish a merry Christmas and happy holidays to all, including the government House leader.

Some hon. members: Hear, hear!

● (1510)

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, thank you for the opportunity to give my last Thursday statement of 2011. The fall has been a productive, hard-working and orderly session. It has been capped by results that we have seen in the House during delivering results month since we returned from the Remembrance Day constituency week.

Of particular note, this fall the House passed Bill C-13, the keeping Canada's economy and jobs growing act; Bill C-20, the fair representation act; Bill C-18, the marketing freedom for grain farmers act; and Bill C-10, the safe streets and communities act.

[*Translation*]

Other things were also accomplished, from the appointment of two officers of Parliament to the passing at second reading of Bill C-26, the Citizen's Arrest and Self-defence Act. I would like to thank the opposition parties who made these accomplishments possible. Nevertheless, the House has a lot of work to do when it returns in 2012.

[*English*]

The things I am looking forward to in 2012 include, after 48 speeches so far, returning to Bill C-19, the ending the long-gun registry act; after 75 speeches so far, continuing debate on second reading of Bill C-11, the copyright modernization act; after 73 speeches so far, continuing debating the opposition motion to block Bill C-4, the preventing human smugglers from abusing Canada's immigration system act from proceeding to committee; and, after 47 speeches so far, continuing debate on second reading of Bill C-7, the Senate reform act.

[*Translation*]

This winter, the government's priority will continue to be economic growth and job creation. We will thus continue to move forward with our economic agenda by debating legislative measures such as Bill C-23 on the implementation of a Canada-Jordan free trade agreement; Bill C-24 on the implementation of a Canada-Panama free trade agreement; Bill C-25, which is designed to give Canadians another way to plan for retirement through pooled

registered pension plans; and Bill C-28 on the appointment of a financial literacy leader.

[*English*]

Needless to say, I am looking forward to the 2012 budget, the next phase of Canada's economic recovery, from the Minister of Finance, and I am looking forward to what I am sure it will deliver for the Canadian economy. This will be the cornerstone of the upcoming session.

With respect to the precise business of the House for the week of January 30, 2012, I will advise my counterparts in the usual fashion in advance of the House returning.

In closing, Mr. Speaker, please let me wish you, my fellow house leaders, all hon. members and our table officers and support staff a very merry Christmas.

In particular, I want to thank the pages, many of whom, as we know, spent their first significant amount of time away from home with us this fall. I wish them a pleasant time back home with family over Christmas. Perhaps we have provided some good stories for them to tell around the dinner table.

Merry Christmas, happy new year and all the best for the break. Here is to a productive, orderly and hard-working 2012.

[*Translation*]

Merry Christmas and happy new year. May the members of the House rest up in preparation for the hard work to come in a productive and orderly 2012.

* * *

[*English*]

POINTS OF ORDER

ORAL QUESTIONS

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I wish to correct the impression given by the Minister of Citizenship, Immigration and Multiculturalism that I was asking for personal information. I was not. I was asking if he would look at the case, use his discretion and ensure cohesion in the implementation of a program.

He knows full well that I gave him the information I referred to. I gave him a copy of the front page edition of the *Ottawa Citizen* for December 8.

The Speaker: I have not heard anything that is a point of order. It sounds like a continuation of debate. I know it will be difficult to wait until January 30, but I am sure the member could continue the debate at that point or he could speak with the minister, who is still in the chamber, if he wants to pursue a particular file.

GOVERNMENT ORDERS

[English]

CITIZEN'S ARREST AND SELF-DEFENCE ACT

The House resumed consideration of the motion that Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons), be read the second time and referred to a committee.

The Speaker: Pursuant to an order made earlier today, the motion for second reading of Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons), is deemed adopted on division.

Government Orders

Accordingly, this bill is referred to the Standing Committee on Justice and Human Rights.

(Motion agreed to, bill read the second time and referred to a committee)

The Speaker: It being 3:15 p.m., pursuant to an order made earlier today, the House stands adjourned until Monday, January 30, 2012, at 11 a.m. pursuant to Standing Orders 28(2) and 24(1).

Merry Christmas, everyone.

(The House adjourned at 3:15 p.m.)

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